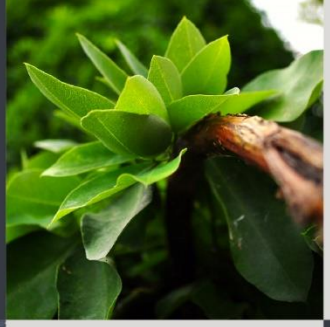
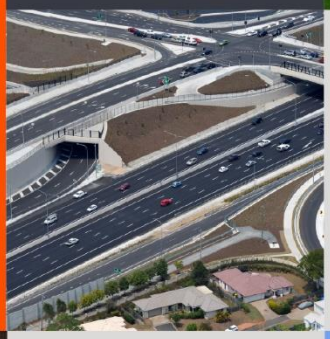
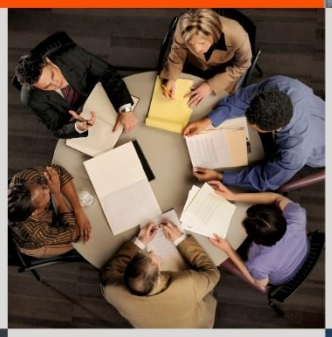
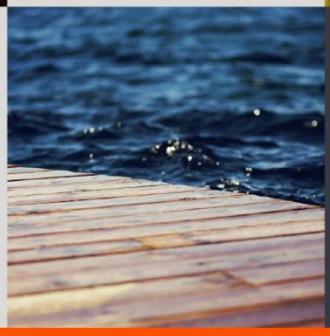






Statement of Environmental Effects

Concept Development Application & Stage 1 Works
Rural Land Sharing Communities - Nightcap on Minjungbul

Prepared for NCV Enterprises Pty Ltd
By Planit Consulting Pty Ltd

December 2020 – v5

This report has been written by

Planit Consulting Pty Ltd
ABN 20 099 261 711

Level 2, Kingscliff Central, 11-13 Pearl Street
Kingscliff NSW 2487

PO Box 1623
Kingscliff NSW 2487

Telephone: (02) 6674 5001

Email: info@planitconsulting.com.au
Web: www.planitconsulting.com.au

Document Control

Version	Date	Document Type	Prepared By	Reviewed By
v1	24.02.19	SEE	DM	BE
v2	15.05.19	SEE	DM	BE
v3	06.07.2020	SEE	DM/LB	JT/LB
v4	20.11.2020	SEE	DM	LB
v5	**22.12.2020**	**SEE**	**DM**	**JT**

Project Details

Project Name	Rural Land Sharing Communities - Nightcap on Minjungbul
Client	NCV Enterprises Pty Ltd
Client Project Manager	Daniel Mulherin
Authors	Daniel Mulherin
Planit Reference	J6100

Disclaimer

This document is not to be reproduced in full or in part, unless separately approved by Planit Consulting Pty Ltd. The client may use this document only their purpose. No third party is entitled to copy or reproduce on this document whatsoever. Planit Consulting accepts no liability whatsoever for any possible subsequent loss or damage arising from the use of this data or any part thereof.

Contents

Executive Summary **6**

1 Background **9**

1.1 Introduction 9

2 Site & Surrounds **11**

2.1 Site Location & Description 11
2.2 Surrounding Environment 12
2.3 Climate 14
2.4 Real Property Description, Area and Ownership 14
2.5 Site Frontage & Shape 16
2.6 History of Site 17
2.7 Existing Approvals 18
2.8 Existing Improvements 19

3 Key Planning Influences **20**

3.1 Site Location & Description 20
3.2 Topography 20
3.3 Water – Streams, Dams, Water Catchment and Future Dam Planning 21
3.4 Vegetation 23
3.5 Ground Water and Acid Sulphate Soils 25
3.6 Agricultural Suitability 25
3.7 Cultural Significance 27
3.8 Contamination 28
3.9 Bushfire 28
3.10 Services 29
3.11 Socio Economic 31
3.12 Planning Framework 32
3.13 Site Analysis Plan 35

4 Proposal **36**

4.1 Proposal Overview 36
4.2 Concept Plan & Framework 37
4.3 Stage 1 Deliverables 52

5 Assessment – Strategic Planning Framework **55**

5.1 North Coast Regional Plan 2036 55
5.2 Tweed Local Strategic Planning Statement 56
5.3 Tweed Urban and Employment Land Release Strategy 2009 57
5.4 Tweed Community Strategic Plan 2017-2027 57
5.5 North Coast Settlement Planning Guidelines 2019 57
5.6 Tweed Rural Villages Strategy 2016 58
5.7 Tweed Rural Land Strategy 2020-2036 59
5.8 Draft Tweed Shire Council Affordable, Attainable and Appropriate Housing Policy Statement 60

6 Assessment – Statutory Planning Framework **62**

6.1 Approvals Sought 62
6.2 Public Notification 62
6.3 Consent Authority 63
6.4 Designated Development 63
6.5 Integrated Development 63
6.6 Environmental Planning and Assessment Act 1979 64
6.7 Development Assessment Process 64
6.8 State Environmental Planning Policies 65
6.9 Tweed Local Environmental Plan 2014 (TLEP 2014) 74
6.10 Tweed Development Control Plan 2008 81

6.11 Variations to TDCP controls 82

7 Further Consideration under the Environmental Planning and Assessment Act 1979 83

7.1 Environmental Planning and Assessment Regulations 2000 83
7.2 Any Draft Planning Instruments 83
7.3 Likely Impacts 84
7.4 Suitability of the Site 88
7.5 Submissions 89
7.6 Public Interest 89
7.7 Additional Considerations 89

8 Conclusion 91

Appendices

Appendix A1 Constraints and Site Analysis
Appendix A2 Concept Plan and Draft Subdivision Plan
Appendix A3 Concept Road Network
Appendix A4 Stage 1 Detail Survey
Appendix A5 Stage 1 Works Plan
Appendix B Economic Need Assessment
Appendix C Aboriginal Cultural Heritage Assessment
Appendix D Bushfire Management Plan
Appendix E1 Biodiversity Development Assessment Reports (BDAR, Rehab Management)
Appendix E2 Basic Terrestrial Flora and Fauna Assessment Stage 1
Appendix F Preliminary Geotechnical Investigation
Appendix G Preliminary Site Contamination Assessment
Appendix H Concept Potable Water Management Strategy
Appendix I Concept Onsite Sewerage Management Design Report
Appendix J Stormwater Management Master Plan
Appendix K Traffic Impact Assessment
Appendix L Visual Impact Assessment
Appendix M Draft Architectural Design Guidelines
Appendix N Draft Neighbourhood Management Statement
Appendix O Draft Statement of Commitments
Appendix P Stage 1 Waste Minimisation and Management Plan
Appendix Q DCP Compliance documentation

Figures

Figure 1 – Regional Context and Subject Site (Source: SixMaps) 11
Figure 2 – Regional Context (Source: Department of Planning Industry and Environment) 12
Figure 3 – Site and Surrounding Lot sizes (Source: Author) 13
Figure 4 – Lot Descriptions and Site (Source: Planit Consulting) 15
Figure 5 – Access and frontages (Source: Google Maps) 16
Figure 6 – Plantation Plan (Source: Department of Primary Industries) 17
Figure 7 – Previous Concept Village Approval 18
Figure 8 – Viewing platform (Source: Author) 19
Figure 9 – Recreational Area (Source: Author) 19
Figure 10 – Recreational Structure (Source: Author) 19
Figure 11 – Amphitheatre area (Source: Author) 19
Figure 12 – Log Cabin (Source: Author) 19
Figure 13 – Landscape topography perspective (Source: Modified from Google Maps) 20
Figure 14 – Land slope greater than 18 degree (red) 21
Figure 15 – Water Catchment 22
Figure 16 – Potential Future Dam Inundation Area (blue) 22

Figure 17 – Environmental Mapping 23
Figure 18 – Ecological Constraints/Opportunities Analysis 24
Figure 19 – Plant Community Type 24
Figure 20 – Ground Water Vulnerability 25
Figure 21 – Biophysical Strategic Agricultural Mapping 26
Figure 22 – Northern Rivers Farmland Protection Map 26
Figure 23 – Agricultural Land Suitability Mapping 26
Figure 24 – Aboriginal Cultural Heritage Mapping 27
Figure 25 –Aboriginal Cultural Heritage Artefacts 27
Figure 26 – Bushfire Mapping 29
Figure 27 – DBYD Services 30
Figure 28 – Road Hierarchy 31
Figure 29 – North Coast House and Land Monitor 2019 Figures for 2012-2017 31
Figure 30 – Zoning Map 33
Figure 31 – Minimum Lot Size 34
Figure 32 – Floor Space Ratio 34
Figure 33 – Building Height 34
Figure 34 – Cumulative Constraints/Opportunities Analysis map 35
Figure 35 – Visual Examples of Community Areas 44
Figure 36 – Visual Examples of Internal Road Network 46
Figure 37 – Development Staging Plan 50
Figure 38 – Existing access arrangement 52
Figure 39 – Extent of Stage 1 private road upgrades and earthworks and Location (inset) 53
Figure 40 – Site Construction office/storage area 54
Figure 41 – Flora and Fauna Survey results (Koalas highlighted) (Source: Planit Consulting) 67

Tables

Table 1 – Development Staging 8
Table 2 – Suite of supporting documentation reports 9
Table 3 – Property Description 14
Table 4 – Approval History 18
Table 5 – Developable Area 40
Table 6 – Community Facilities 44
Table 7 – Village 45
Table 8 – Internal Connection Roads 46
Table 9 – Environmental Protection/Rehabilitation and Linkage Areas 46
Table 10 – Open Space 47
Table 11 –Potential Dam inundation Area 47
Table 12 – Concept Subdivision Particulars 48
Table 13 – Development Staging 51
Table 14 – Assessment of SEPP Schedule 7 Triggers 63
Table 15 – Relevance of SEPPs 65
Table 16 – SEPP 55 Review 67
Table 17 – Rural Development SEPP Schedule 5 review 69
Table 18 – TDCP Relevance Assessment 81

Executive Summary

This Statement of Environmental Effects (SEE) supports a Concept Development Application to establish Rural Land Sharing Communities (RLSCs) over 21 allotments, commonly referred to as 'Nightcap' and 'Bhula Bhula'. The allotments are located at 2924, 2956, 2984 and 3222 Kyogle Road, Kunghur and Mount Burrell. This land herein will be referred to as 'the site'.

This subject Development Application (DA) is made under Section 4.22(1) of the *Environmental Planning & Assessment Act 1979* (the Act) and sets out the proposed concept for developing the site for RLSCs. While the staged delivery of these communities will be the subject of subsequent DAs, this DA also sets out in detail the first stage of development, which comprises associated private road access and earthworks to facilitate the RLSCs. In accordance with Division 4.4 of the Act, subsequent DAs for stages 2-12 will seek approval to subdivide the site and establish the RLSCs.

Once deemed illegal settlement, RLSCs have proliferated throughout the Far North Coast of New South Wales since 1973. This alternative housing form and valued lifestyle opportunity was acknowledged through the NSW Planning System in 1988 and made permissible within rural zones under *State Environmental Planning Policy No 15 - Rural Landsharing Communities 1988*. While this former State policy has since been repealed, RLSCs continue to be made permissible upon rural zoned land via *State Environmental Planning Policy (Primary Production and Rural Development) 2019*. This recently adopted State policy confirms the NSW Government's support towards cooperative rural living as an alternative housing option throughout NSW and sets the necessary framework to guide their employment. That is, the NSW Planning System facilitates and continues to encourage RLSCs without the requirement for land rezoning or policy amendments.

In the context of the Tweed, a shortfall in housing delivery over a 10+ year time period coupled with the vast majority of housing and population clustering within the coastal strip, has fostered an urgency for alternative housing prospects and an increased desire for more spacious, community-minded and rural lifestyle opportunities. Rural Land Sharing Communities and their presence in the Tweed Shire LGA are acknowledged within the Rural Land Strategy. This prescribes actions to investigate inclusion of local provisions within the TLEP 2014 to further foster this land use into the future.

Nightcap on Minjungbul responds to these aspirations, representing a carefully considered, master planned approach to meet an increasing demand for alternative and diverse housing within the highly sought-after Tweed hinterland area, while avoiding and managing vulnerable areas and hazards.

Despite already being permissible and an existing policy framework for guiding this form of development, a Concept Plan has been formulated for the 'Nightcap on Minjungbul' (or 'Nightcap') project to help coordinate its delivery, given the expansive land area and scope of this proposed undertaking. The Concept Plan has been configured in direct response to the site's constraints, opportunities, location and serviceability, and guided through consultation with key stakeholders including, but not limited to, the Rural Fire Service and Tweed Byron Local Aboriginal Land Council.

Overall, the proposal will facilitate the future development of 10x interconnected RLSCs spread amongst 1584ha of the Tweed Coast Hinterland, located within 30 minutes of the Tweed Heads and Lismore regional cities and 15 minutes from Murwillumbah, being the Tweed's second primary service centre. The Concept Plan sets the future DA framework and target to accommodate up to 392x dwellings across 10x RLSCs, providing housing choice and lifestyle options within a picturesque rural setting. Each of the 10x RLSCs accommodates dwelling plots, based on each individual lot size, available developable area and the permissible dwelling density prescribed in the *State Environmental Planning Policy (Primary Production and Rural* Development) *2019*. The Nightcap RLSCs leverage proximity to existing and emerging Tweed villages, towns and cities and a strong connection to ecological value, heritage, and strategic direction

for the Tweed and North Coast. **Table 1** overleaf provides a brief snapshot of the proposed development staging, in addition to outputs and works associated at relevant stages.

The Concept Plan will guide the provision of high-quality, high amenity rural land sharing opportunities, that support housing choice and affordability. Potential adverse impacts on nearby development, the natural environment, scenic qualities, Aboriginal heritage, traffic, parking, drainage and other external features and services have been considered in detail and are avoided, managed and able to be mitigated.

The proposal exhibits compliance with the *State Environmental Planning Policy (Primary Production and Rural Development) 2019, Tweed Local Environmental Plan 2014* as well as the majority of development and environmental control, design provisions and policy guidelines.

The DA will be determined by the Northern Joint Regional Planning Panel, as the capital investment value is in excess of $30 million.

Ultimately this Statement of Environmental Effects concludes that the proposal satisfies the relevant provisions of the *Environmental Planning and Assessment Act 1979* and is within the public interest.

Table 1 – Development Staging

Stage	Development	Stage Description	Outputs/Studies	Infrastructure/Works
Concept	Conceptual Subdivision and Rural Land Sharing Communities (RLSCs)	Conceptual use of site and provides overarching studies and guidelines for subsequent stages.	All conceptual plans and overarching studies including: • Concept Plan, Development Matrix and staging • Draft Architectural Design Guidelines Economic Need • Ecological • Aboriginal Cultural Heritage • Bushfire Management • Geotechnical • Visual Impact • Engineering (Civil, traffic, sewer, water etc) • Draft Neighbourhood Management Statement	Conceptual only. No works proposed.
Stage 1	Associated works and earthworks	Upgrade and seal private road access to Kyogle Road (opposite Mebbin Drive)	• Civil Engineering detail • Ecological Impact Assessment	• Earthworks • Minor vegetation removal • Upgrade and seal internal access to Kyogle Road (opposite Mebbin Drive) • Site construction office/storage area
Future Stage 2	*Subdivision and Essential Services*	*Amalgamating lot numbers and establishing essential service infrastructure*	• *Subdivision Plan* • *Neighbourhood Management Statement* • *Essential Services Provision Strategy* • *Site Waste Management Strategy* • *Civil Engineering Design*	• *Earthworks* • *Vegetation removal/protection/regeneration* • *Associated works and upgrade to internal access* • *Servicing strategy (i.e. Essential services, waste, resource recovery, recycled water, etc.)*
Future Stages 3-12	*RLSCs and associated works*	*Identify specific dwelling plots and detailed studies on plot and locational specifics*	• *All detailed design and site studies to determine dwelling plot position, design and max. provision* *Stage 3 – 36x plots* *Stage 4 – 62 x plots* *Stage 5 – 18 x plots* *Stage 6 – 54 x plots* *Stage 7 – 40 x plots* *Stage 8 – 50 x plots* *Stage 9 – 54 x plots* *Stage 10 – 45 x plots* *Stage 11 – 24 x plots* *Stage 12 – 9 x plots*	• *Community infrastructure (community facilities, roads, services, etc)* • *Plot preparation and connection* • *Vegetation removal/protection/regeneration*

1 Background

1.1 Introduction

Planit Consulting has been commissioned by NCV Enterprises Pty Ltd to prepare a Statement of Environmental Effects (SEE) relating to a proposed Concept Development Application, which seeks to establish Rural Land Sharing Communities (RLSCs) over 21 allotments, commonly referred to as 'Nightcap' and 'Bhula Bhula'.

This subject Development Application (DA) is made under Section 4.22(1) of the *Environmental Planning & Assessment Act 1979* (the Act) and sets out the proposed concept for developing the site for RLSCs. While the staged delivery of these communities will be the subject of subsequent DAs, this DA also sets out in detail the first stage of development, which comprises private road access and earthworks. In accordance with Division 4.4 of the Act, subsequent DAs will seek approval to subdivide the site and establish the RLSCs.

The purpose of this report is to articulate the application, consider its impacts and satisfy the provisions and heads of consideration of the applicable environmental planning framework. This report should be read in conjunction with the following documentation

Table 2 – Suite of supporting documentation reports

Development Application Package		
Reports	**Consultant**	**Appendix**
Development Application Forms/checklists	Planit Consulting	-
Land Owners Consent	Various	-
Statement of Environmental Effects	Planit Consulting	-
Site Constraints and Analysis Plans	Planit Consulting	A1
Site Concept Plan	Planit Consulting	A2
Site Concept Road Network	Planit Consulting	A3
Stage 1 Survey Plans	Usher and Company	A4
Stage 1 Works Plans	Planit Consulting	A5
Economic Need Assessment	Macro Plan Dimasi	B
Aboriginal Cultural Heritage Management Plan	Everick Consulting	C
Bushfire Management Plan	Bushfire Safe	D
Biodiversity Conservation Assessment Report / Preliminary Rehabilitation Plan	Planit Consulting	E1
Basic Terrestrial Flora and Fauna Assessment Stage 1	Planit Consulting	E2

Preliminary Geotechnical Investigation	Douglas Partners	F
Preliminary Site Contamination Assessment	Precise Environmental	G
Concept Potable Water Management Strategy	Precise Environmental	H
Concept Onsite Sewage Management Design Report	Precise Environmental	I
Stormwater Management Master Plan	Planit Consulting	J
Traffic impact Assessment	Bitzios Consulting	K
Visual Impact Assessment	Planit Consulting	L
Development Control Plan Assessment Table	Planit Consulting	M
Draft Neighbourhood Management Statement	NCV Enterprises	N
Statement of Commitments	Planit Consulting	O
Stage 1 Waste Minimisation and Management Plan	Planit Consulting	P
Draft Architectural Design Guidelines	Planit Consulting	Q

2 Site & Surrounds

2.1 Site Location & Description

The subject site comprises 21x allotments generally referred to as 2924, 2956, 2984, and 3222 Kyogle Road, Kunghur and Mount Burrell. The site has an area of approximately 1,584.34Ha (exclusive of approximately 29.6ha of Crown Land paper roads which are currently being/been purchased). The site currently comprises a multitude of structures/facilities across multiple allotments which consist of:

- Several dwellings;
- Camping grounds;
- Rural shed structures;
- Recreational structures (i.e. viewing platforms, sheds, halls);
- Farmland/Plantation areas;
- Cabins; and
- Interconnecting internal and informal roadways.

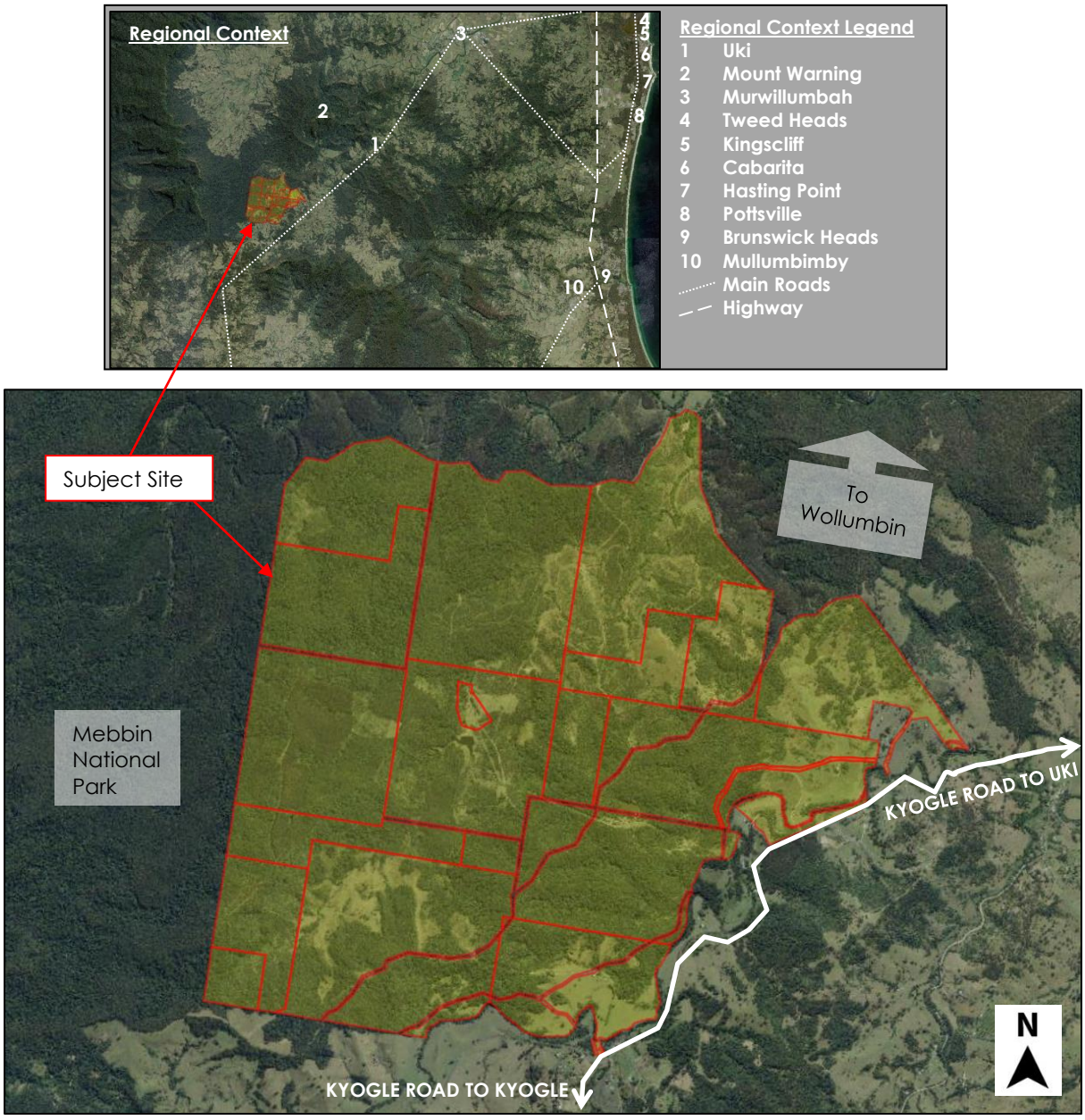


Figure 1 – Regional Context and Subject Site (Source: SixMaps)

2.2 Surrounding Environment

The Kunghur locality is located on the southern face of the Tweed caldera, positioned within the southwestern corner of the Tweed Shire. As per the 2016 Census results, Kunghur had a total population of 104 people by way of 40 dwellings. Notwithstanding its limited population, the locality possesses close proximity to a number of high-quality environmental assets, including Wollumbin and Mebbin National Parks and its position along Kyogle Road, which connects Murwillumbah, Uki, Kyogle, Nimbin and Lismore, provides strong day-tripper tourism activity. The desirability of Kunghur and its neighbours, such as the Sphinx Rock Café and Burrellea Caravan Park, as a tourist route for day-trippers and weekenders is anticipated to be strengthened into the future as road infrastructure improvements are pursued within the subregion and the South East Queensland population swells towards 5.3 million by 2041.

The North Coast Regional Plan focusses key growth around the 2x Regional Cities of Tweed Heads and Lismore. The site, and Kunghur, is located at the midpoint between these 2x centres along Kyogle Road and contains a recognised urban growth area for the region, being the Nightcap Village zoned land.

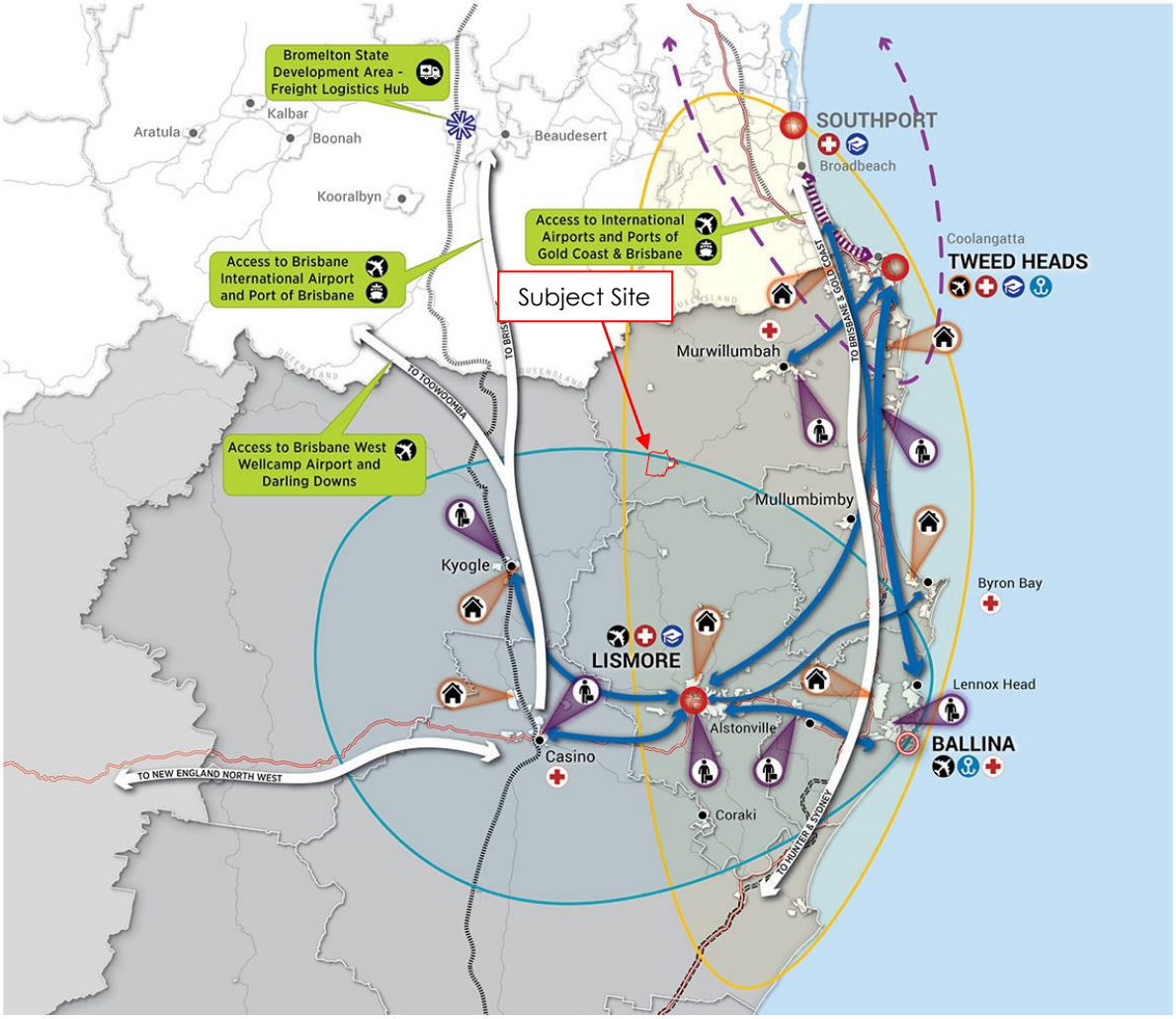


Figure 2 – Regional Context (Source: Department of Planning Industry and Environment)

Kunghur is supported by limited facilities although the emergence of a 40Ha RU5 zoned Village urban growth area is expected to bolster facilities and services for the area. Kunghur accommodates a variety of rural enterprises, dwellings and land uses. The broader locality provides a similar level of land use diversity, framed by the green backdrops of National Parks and conservation areas that clad the rolling

topography. Kunghur's limited services are augmented by access to Uki village, located approximately 15km east, which provides day-to-day services, cafes and restaurants and retail options. The township of Murwillumbah is located 28km northeast and provides higher order commercial and health facilities, as well as regional sports and entertainment infrastructure. Kunghur is also centrally positioned between the Regional Cities of Tweed and Lismore, affording opportunity to access city-level services and infrastructure, 2x airports and diversity of economic sectors.

The Tweed Rural Land Strategy 2020-2036 (RLS) identifies that 48% of all RU2 allotments in the LGA are less than 3 hectares and 67% less than 10 hectares. Through our investigations into the locale's context and setting, a diversity of lot sizes can be observed, with lots fronting Mebbin Drive being 0.4ha in size, properties of Mount Burrell Road generally 2ha, Kyogle Road hosting a variety of lot sizes, and a small number of farms of land well in excess of 40ha. Tweed LGAs highest percentage of lot size within the RU2 zone are in the 2 – 2.9ha range (18% of RU2 allotments) reflective of the smaller lot sizes existing along Kyogle Road and rural residential character (refer to **Figure 3**). This demonstrates a higher density of lots and sizes substantially less than the minimum 40ha lot size immediately surrounding the site.

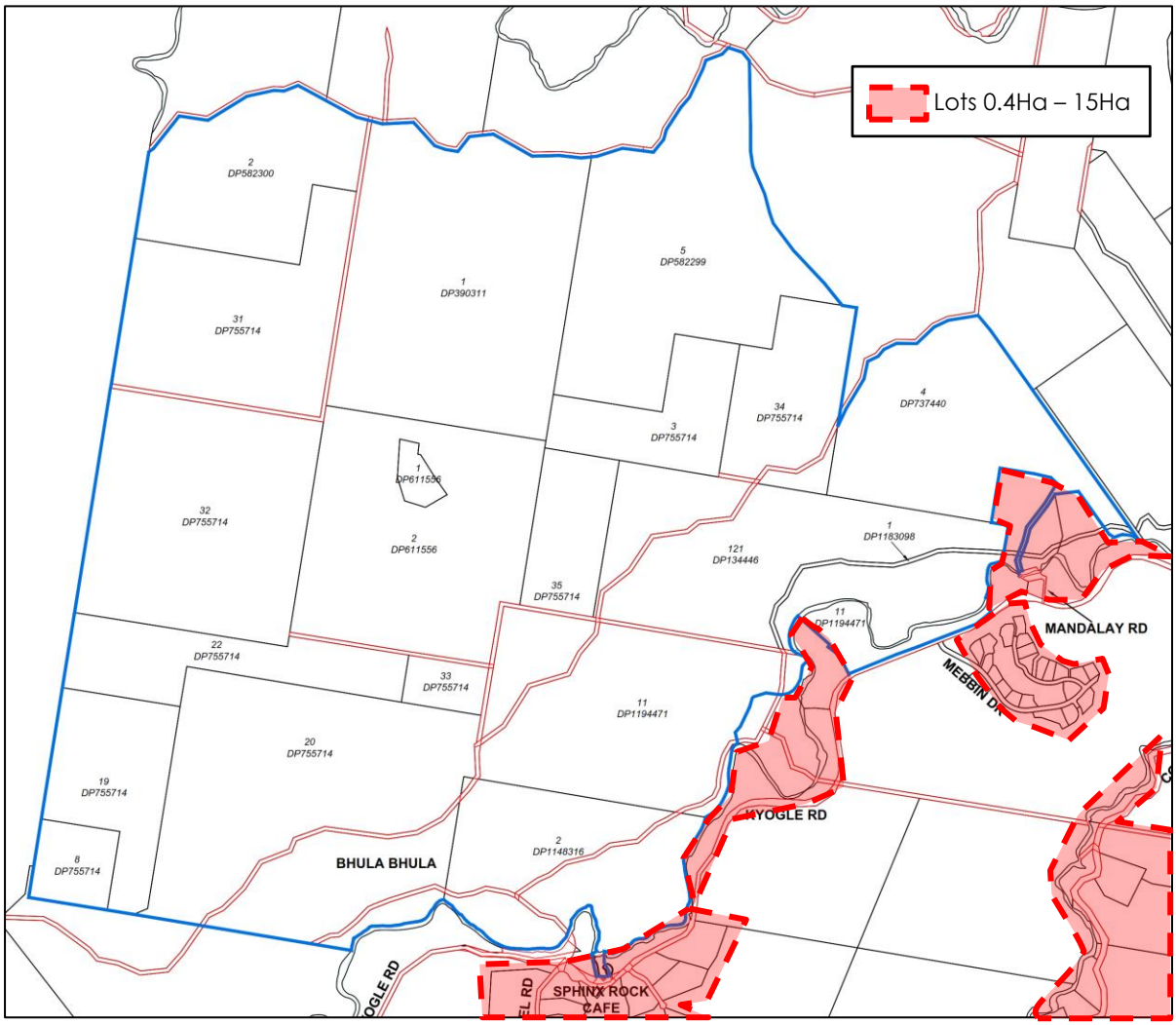


Figure 3 – Site and Surrounding Lot sizes (Source: Author)

2.3 Climate

The Kunghur locality is a humid subtropical climate, meaning summers are usually longer and temperatures average over 20 degrees around 6 – 8 months of the year. Given the site elevation and undulating (hilled) terrain, moderate to high rainfall occurs year-round with rainfall even in the driest months. Average rainfall 150-220mm monthly occurs between December and April (average) and 70-100mm May to November.

2.4 Real Property Description, Area and Ownership

The allotments which form the site are identified in **Table 3** below, these areas exclude the crown paper roads which have been approved for, and currently undergoing, purchase. The additional land areas will be confirmed on plan sealing and expected to add to the balance site area (approximately 29.6ha).

Table 3 – Property Description

Property Description					
Description	**Area (ha)**	**Description**	**Area (ha)**	**Description**	**Area (ha)**
Lot 121 on DP134446	158.17	Lot 31 on DP755714	89.03	Lot 1 on 1183098	3.02
Lot 3 on DP755714	37.93	Lot 32 on DP755714	125.45	Lot 4 on 737440	90.82
Lot 5 on DP582299	134.10	Lot 22 on DP755714	46.54	Lot 34 on 755714	47.04
Lot 1 on DP390311	162.27	Lot 19 on DP755714	48.56	Lot 2 on DP611556	122.40
Lot 35 on DP755714	30.75	Lot 8 on DP755714	16.19	Lot 1 on DP611556	5.08
Lot 11 on DP1194471	126.6	Lot 20 on DP755714	177.25	Lot 2 on DP582300	71.71
Lot 33 on DP755714	9.90	Lot 2 on DP1148316	81.51	Lot 2 on DP1235488	0.04
Total Area	1584.38ha	Total number of Lots		21	

The below ownership was accurate at the time of reporting, with settlement of Lot 2 on DP 1148316 and Lot 20 DP 755714 by NCV Enterprises Pty Ltd occurring on 18th November 2020. As such owner's consent from NCV Enterprises (the Applicant) is provided for these 2x lots.

Similarly, the 16x Zimmerland owned properties are also being acquired by NCV Enterprises Pty Ltd with contracts moving to settlement in the near future. As Zimmerland remains the current landowner on title, their owner's authorisation accompanies the proposal.

The Concept and Stage 1 DA do not result in any physical works external of land owned by the Applicant, limiting Stage 1 to minor private road upgrades. It has been anecdotally discussed with Council's traffic engineer that development beyond 'typical' rural pursuits in the area would require Traffic Impact Assessment could require intersection upgrades. This led previous iterations of the design to consider the wider public benefit and cumulative impacts of both the Village and RLSC. The nexus for intersection upgrades were a cumulative effect of the classification of the road, the need to relocate the access and the possibility of a public spine road dedication which may be associated with the Village. As a standalone component, the RLSC's do not trigger these effects or intersection upgrades, and as such, intersection upgrades have been removed from the concept. Council's owners consent is not required.

As illustrated below, Crown Land 'paper roads' exist throughout the site (refer to the red line in **Figure 4**). Approval was granted 11th February 2020 for closure and purchase of these undeveloped roads. Contracts have been signed and payments are being made, confirming this land purchase is being finalised. Owner's consent has been provided by Crown Lands to the lodging of this Development Application in the interim (while titles are being processed).

The following ownership arrangement is illustrated (visually by colour) in **Figure 4**.

Owner	**Kempcove Pty Ltd**		
2924 Kyogle Road	Lot 4 on 737440	Lot 2 on DP1235488	
Owner	**Peter Van Lieshout, Dolph Cooke & Darko Kovac**		
2956 Kyogle Road	Lot 34 on 755714		
Owner	**Zimmerland Pty Ltd**		
2984 Kyogle Road Kunghur	Lot 121 on DP134446 Lot 3 on DP755714 Lot 5 on DP582299 Lot 1 on DP390311 Lot 35 on DP755714	Lot 11 on DP1194471 Lot 33 on DP755714 Lot 1 on 1183098 Lot 1 on DP611556 Lot 2 on DP582300 Lot 31 on DP755714	Lot 32 on DP755714 Lot 22 on DP755714 Lot 19 on DP755714 Lot 8 on DP755714 Lot 2 on DP611556
Owner	**NCV Enterprises Pty Ltd**		
3222 Kyogle Road	Lot 2 on DP1148316 Lot 20 on DP755714		
Owner	**Crown Lands with offers for Purchase signed and being processed**		

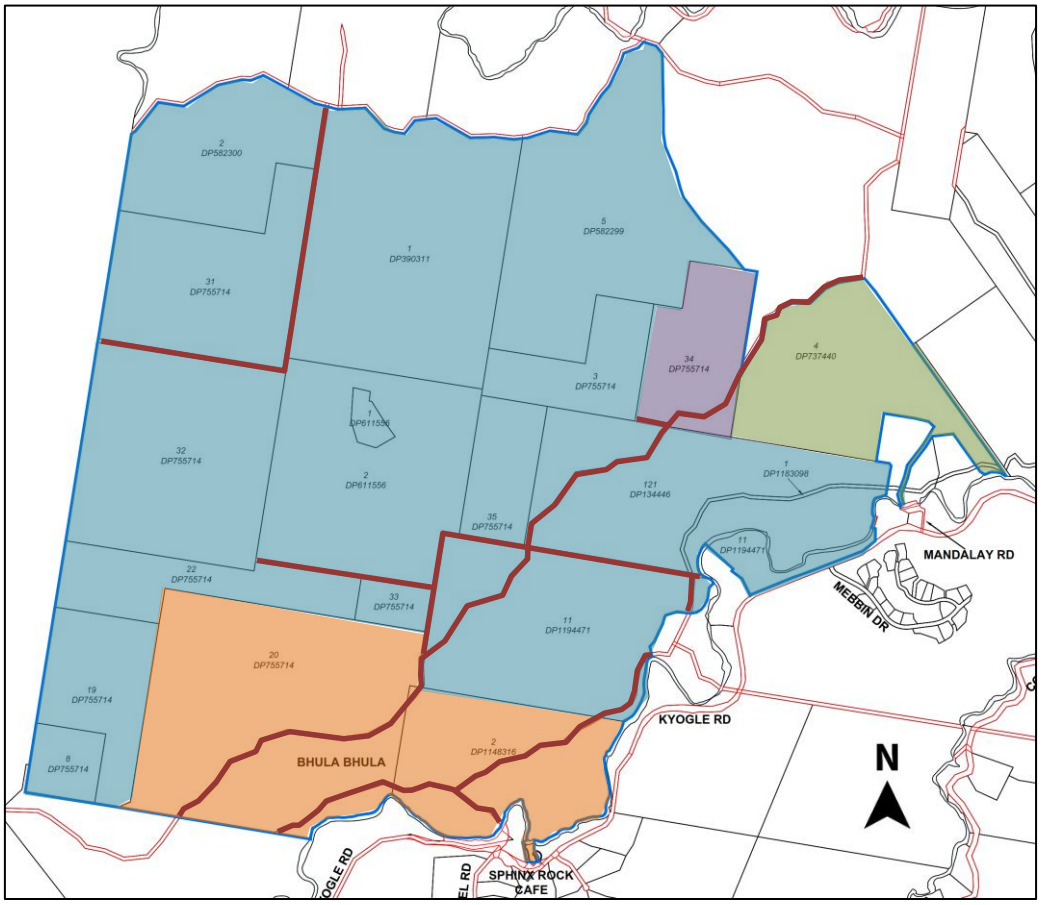


Figure 4 – Lot Descriptions and Site (Source: Planit Consulting)

2.5 Site Frontage & Shape

The site is a large irregular shape, bordered to the east by Kyogle Road and the Tweed River. The site has 3x access points, with 2x directly to Kyogle Road (shown as (1) and (2) in **Figure 5**) and 1x via Mandalay Road (shown as (3) in **Figure 5**).

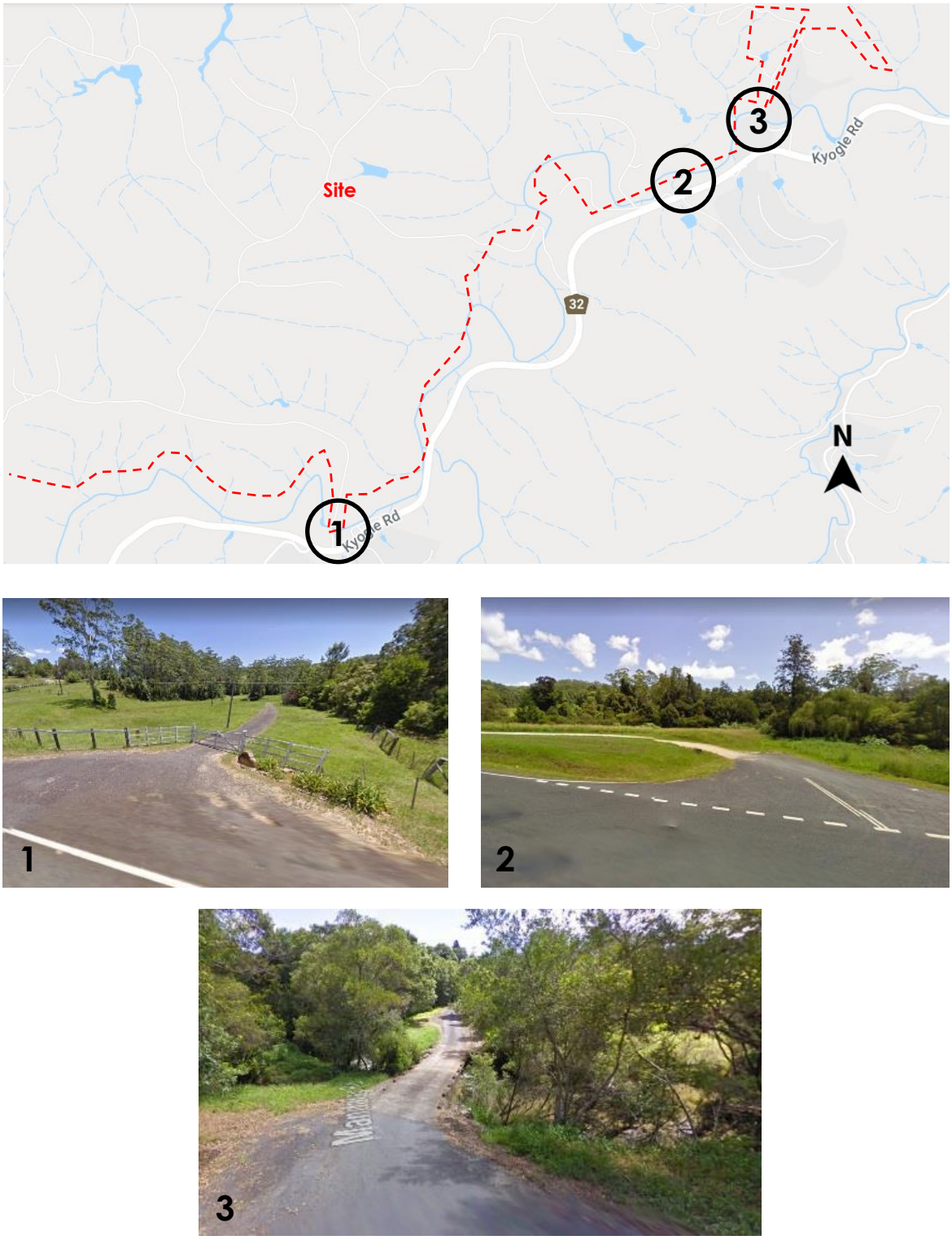


Figure 5 – Access and frontages (Source: Google Maps)

2.6 History of Site

In a detailed historical assessment previously prepared by Mary Dallas Consulting Architects for the Applicant, it is detailed that the site was generally established on land title records in the early 1900's. Prior to this, the area was generally avoided by European settlers, due to being dense forest and less accessible than other areas of the Tweed.

Following its establishment and acquisition in 1909, partial clearing of the site occurred for its most valuable timbers. The site also operated a dairy and several small 'case mills' making packaging cases and boxes from locally sourced timbers from 1953-1963. It is apparent that the millable timber over the site through this time was depleted. The site has several plantation areas most recently understood to have been re-established in 1990's and covering over 370ha of the site (plantation areas shown in green and blue below in **Figure 6**). Preparations have been made to re-authorise these plantation areas with the Department of Primary Industries to permit the clearing, maintaining and planting within plantation bounds.

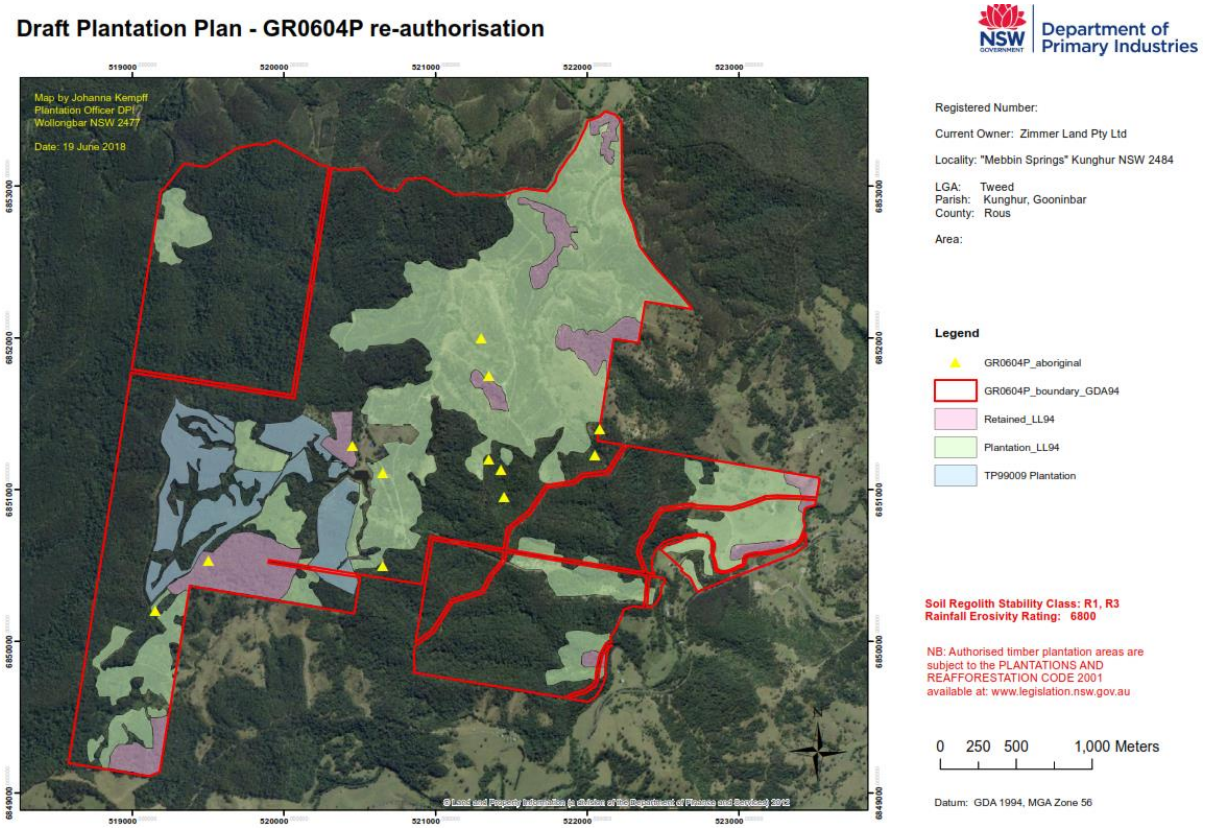


Figure 6 – Plantation Plan (Source: Department of Primary Industries)

The site maintained its general rural zoning through to 1986 when part of the site was rezoned to Village. This village zoning has been maintained through the *Tweed Local Environmental Plan (LEP) 1987*, LEP 2000 and LEP 2014. Generally, the rest of the site remains zoned RU2 – Rural Landscape.

2.7 Existing Approvals

The following table is a snapshot of the relevant approvals over the subject site.

Table 4 – Approval History

Existing Approvals		
Application	**Approval**	**Date**
DA06/1054	Concept Plan Approval for a Village and ancillary development	29/06/2009
D94/0073	Tourist Accommodation (camping ground)	06/05/1994

The subject site had an integrated development approved in 2009 (DA06/1054) for the concept development of a village and ancillary development (**Figure 7**). The previous approval involved significant development of the RU5 zoned area fronting Kyogle Road, including a wide range of commercial and residential areas and development. The previous approval provided for Stage 1 private road and earthworks including forming the primary point of access to Kyogle Road and subdivision to create 6x master lots. The village zoned land remains a key parcel of developable land within the site for the community and wider area and is identified within Council strategic documentation to deliver a population of 750 – 1,200 within Tweed's broader urban zoning capacity. The development of this village does not form part of the subject proposal, though the land itself does. Access roads, and associated works, are proposed within this land area under the subject DA. This is discussed in more detail under Section 4 of this SEE.

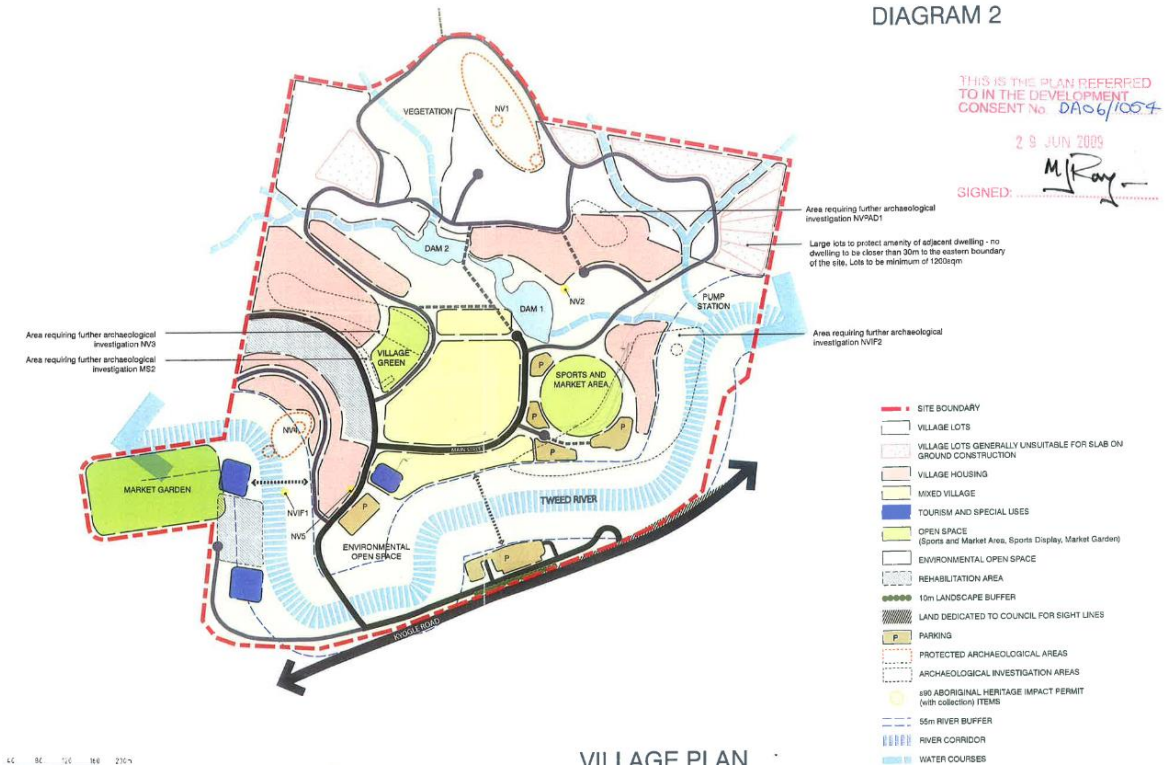


Figure 7 – Previous Concept Village Approval

Tourist accommodation was approved in 1995 (D94/0073) over 1x lot in the north-east of the site, being Lot 2 DP 1235488. No alteration to this existing approval is proposed.

2.8 Existing Improvements

The subject site is currently improved by several rural dwellings, structures, recreational areas and an interconnecting private road network. The private road network will remain in its current location with upgrades anticipated as part of future stages of development. A photo montage is provided illustrating some of the existing structures on the site. The retention and use of any structures on the site will be subject to approval processes.

Figure 8 – Viewing platform (Source: Author)

Figure 9 – Recreational Area (Source: Author)

Figure 10 – Recreational Structure (Source: Author)

Figure 11 – Amphitheatre area (Source: Author)

Figure 12 – Log Cabin (Source: Author)

3 Key Planning Influences

3.1 Site Location & Description

Extensive desktop and ground truthing investigations have been undertaken for the site to identify opportunities, constraints and need for the proposal. Investigations have also responded to considerations identified through detailed desktop review, meetings and advice from Council technical officers and relevant stakeholder consultation. Ground truthing studies have been undertaken and ongoing for over 3x years including ecological, geotechnical, bushfire and cultural heritage.

These key planning influences inform the overarching 'developable areas', being the less constrained lands identified as suitable for development under the concept. These developable areas then guide the indicative 392x dwelling plots we have shown as part of the concept. This allowed the consultant team appropriate testing and confirmation of yield, methodology and suitability in addition to setting out the overarching studies and objectives of future detailed design stages.

The following sections provide a detailed analysis of the site.

3.2 Topography

The topography of the land is varied with grades ranging from 0 degrees to in excess of 30 degrees and levels varying from 68.3m to 227.7m AHD. Areas considered opportune for development and roadways are generally positioned on level areas of the site along ridgetops and utilising the existing internal road network.

Figure 13 – Landscape topography perspective (Source: Modified from Google Maps)

A slope constraints map has plotted gradients considering both the *State Environmental Planning Policy (Primary Production and Rural development) 2019* requirement and bushfire management strategy, calling for dwellings to be located within areas of 18 degree or less of slope. As such, a large amount of the site has been discounted from providing RLSC dwelling plots, due to the natural rolling topography which the proposal seeks to retain. This topography further steers the location of internal road networks to be retained, as these follow (as appropriate) existing unformed access paths and ensure appropriate grades and transitions are provided for vehicles.

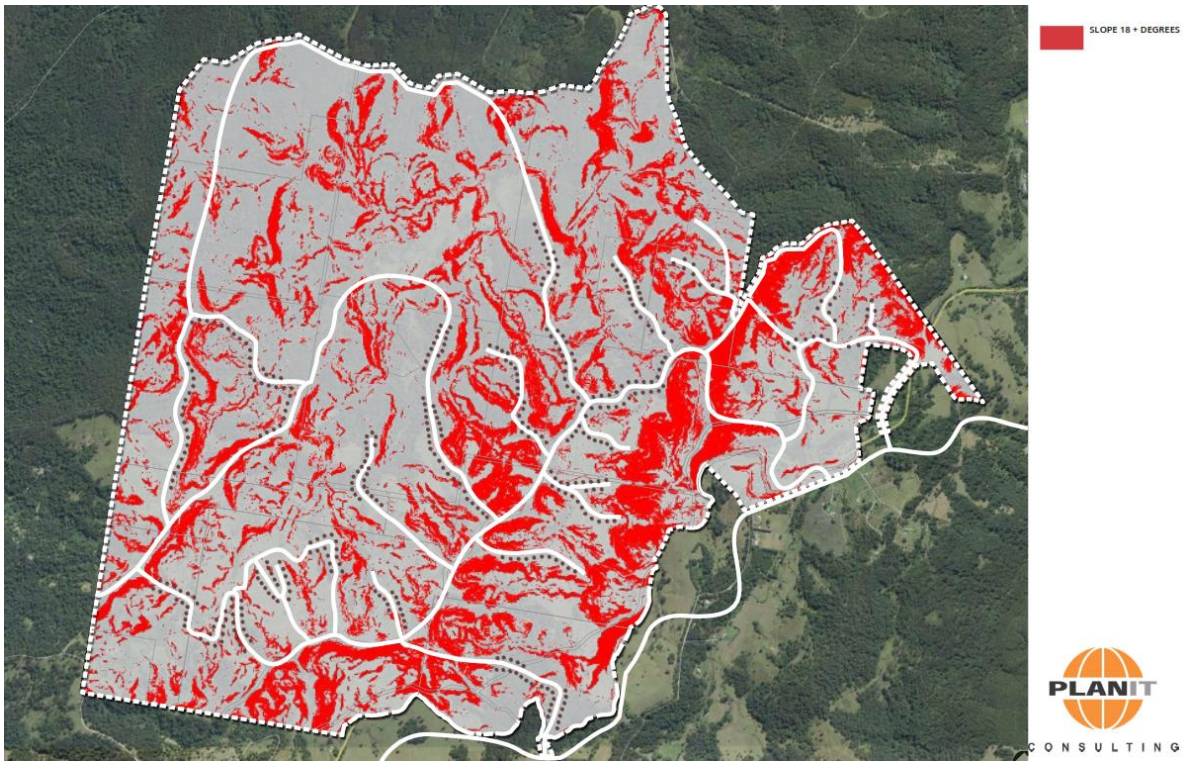


Figure 14 – Land slope greater than 18 degree (red)

Although a constraint for RLSC dwelling plot placement, the slope of the site does not limit development of community facilities, supporting development and open space within greater than 18 degree slope areas. The facilities envisioned within these sloped areas are cycling tracks, lookouts, picnic areas, community halls and other areas and facilities that capture and benefit from the natural outlooks, attributes and amenity of the site.

3.3 Water – Streams, Dams, Water Catchment and Future Dam Planning

The site is mapped within a drinking catchment (**Figure 15**) and contains a portion of land earmarked for potential future dam inundation to meet the Tweed Shire Council's projected water demand from 2046. In light of ongoing discussions and negotiations with Council, the proposal excludes areas 140m AHD and less for development, having marked these areas for potential future inundation as a dam. As such, these areas will remain undeveloped and clear of structures, internal roads and works as part of the concept. The future dam inundation area is illustrated in the plan set within **Appendix A1** and excerpt in **Figure 16**.

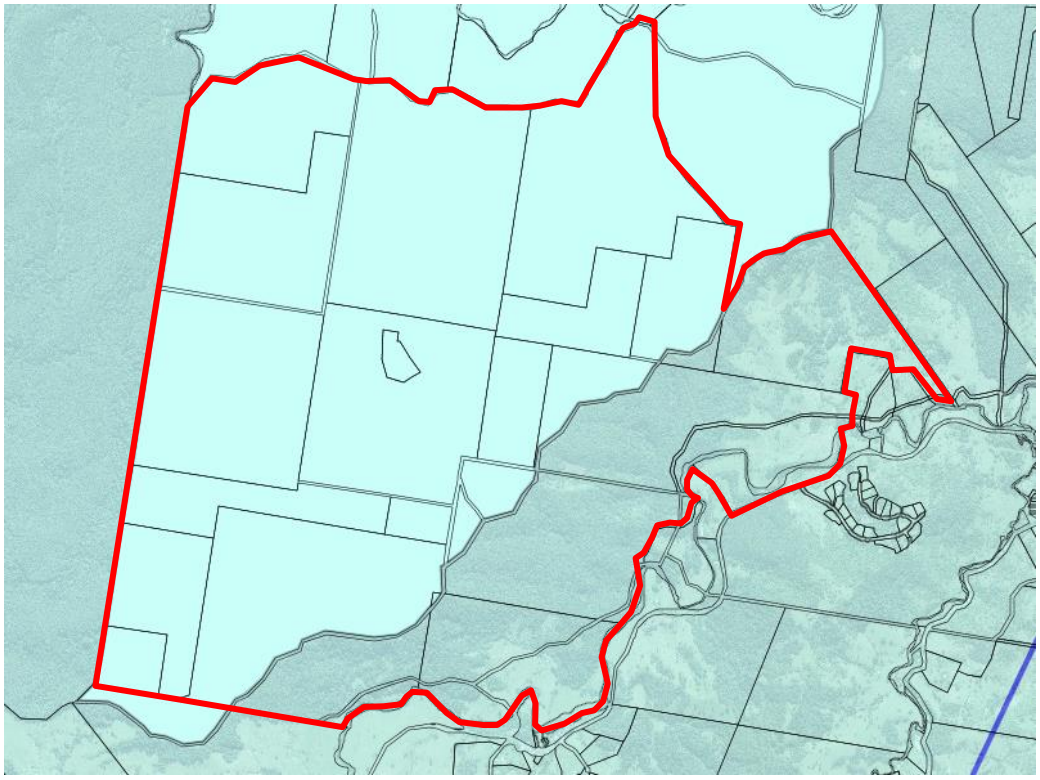


Figure 15 – Water Catchment

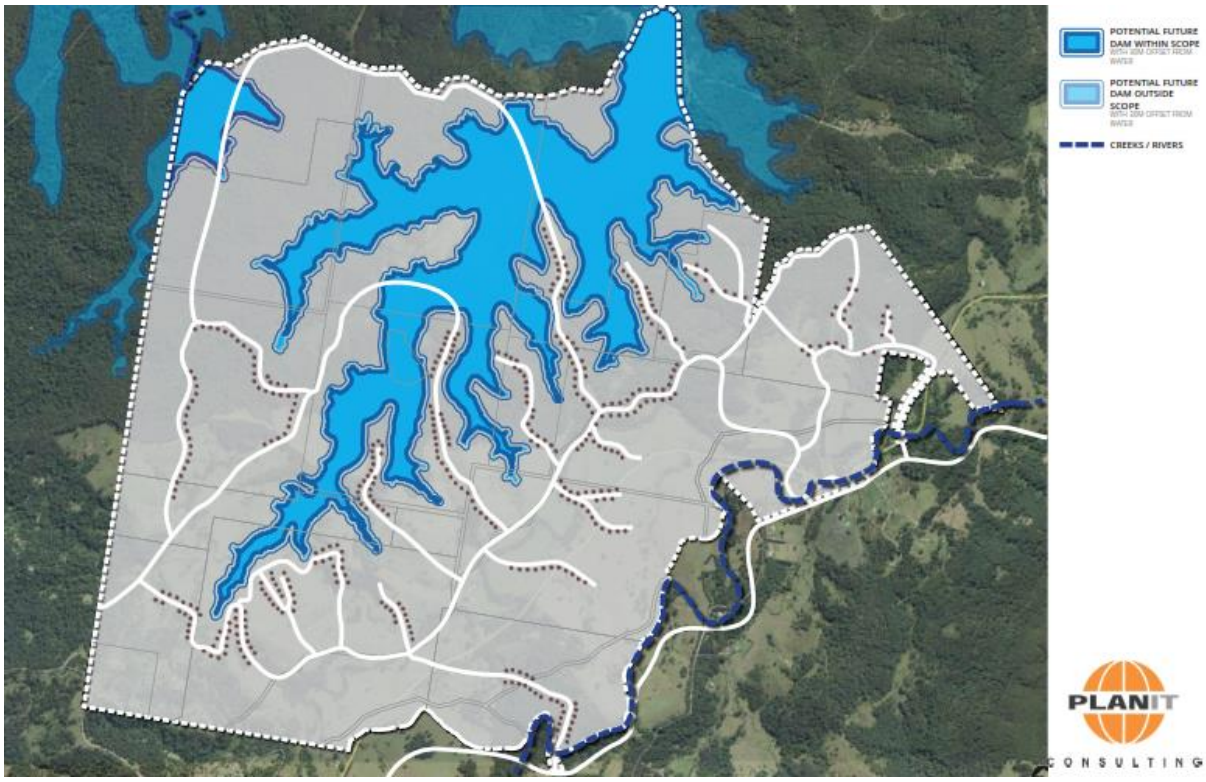


Figure 16 – Potential Future Dam Inundation Area (blue)

3.4 Vegetation

Detailed ecological investigations of the site have been undertaken for over 2x years. Further studies centred around the RU5 zoned village area and previous ecological studies date back to 2004. The detailed analysis of the current and historic site conditions forms part of the ecological reports prepared by Planit Consulting in **Appendix E**. Generally, the site contains a combination of the following:

- Cleared grass areas;
- Farming, grazing and plantation areas;
- High quality rainforest areas; and
- Historical and current timber plantation areas.

These areas have been mapped as part of the 2x year long flora and fauna assessment to identify key ecological areas and linkages with the wider locale. Flora and fauna species that are identified as significant and/or endangered have been investigated and mapped to be retained, impacts mitigated, and areas regenerated. For detailed analysis of the site and ecological investigations, please refer to **Appendix E**.

Council environmental mapping depicts a key fauna corridor through the central portion of the site as shown in **Figure 17**. The ground truthing studies noted some areas of high-quality ecological vegetation and animal species through this section, however this area comprises a large amount of existing plantation area and risks segregation by the potential future dam area discussed in Section 3.3. As such, this ecological corridor has been tested and mapping discounted. Site specific mapping is provided in **Figure 18** and forms the mapping used in the constraints analysis (discussed further below).

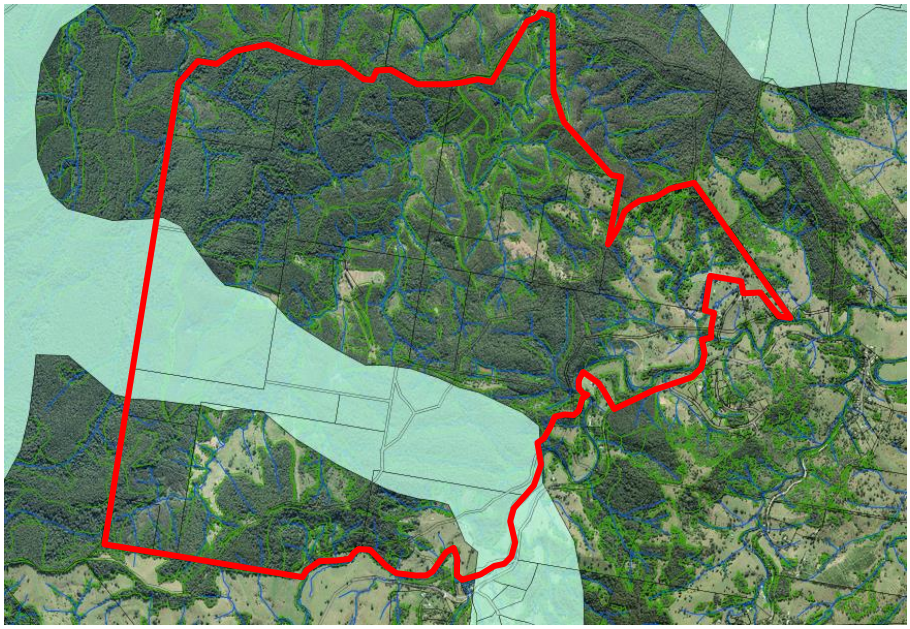


Figure 17 – Environmental Mapping

Ecological value has been identified and priority areas mapped, representing both a constraint and opportunity for the development. Several endemic species have been identified, monitored and mitigation measures enacted; including avoiding and regenerating high quality areas and habitat. The mapping indicates key linkages to focus regeneration works, as well as identifying inconsistency between Council's mapped habitat corridors and ground truthing studies. In considering the ecological linkages over the site, the proposal has also had regard to the potential future dam area discussed below. This has resulted in focussing regeneration works and guiding the habitat corridor around the site's south-western corner.

The high-quality ecological areas inform rehabilitation initiatives and contribute to the ecological value of the site as a whole. These mapped ecological areas will be protected in perpetuity. The Developable Area has been positioned to allow sufficient buffers to large high value areas, while maintaining connection to smaller, accessible ecological areas for purposes such as education, observation and enjoyment (i.e. bushwalking).

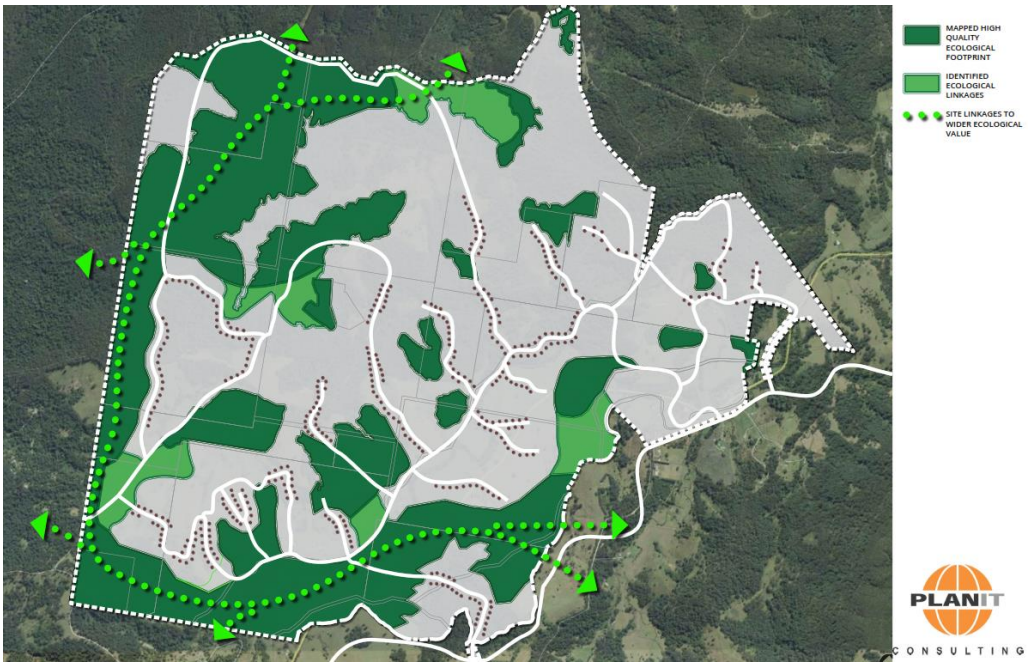


Figure 18 – Ecological Constraints/Opportunities Analysis

Through the detailed ecological investigations and ground truthing over the site, Planit has also prepared a plant communities map. This details the current plant community types, cleared areas, open water and other environmental values (**Figure 19**).

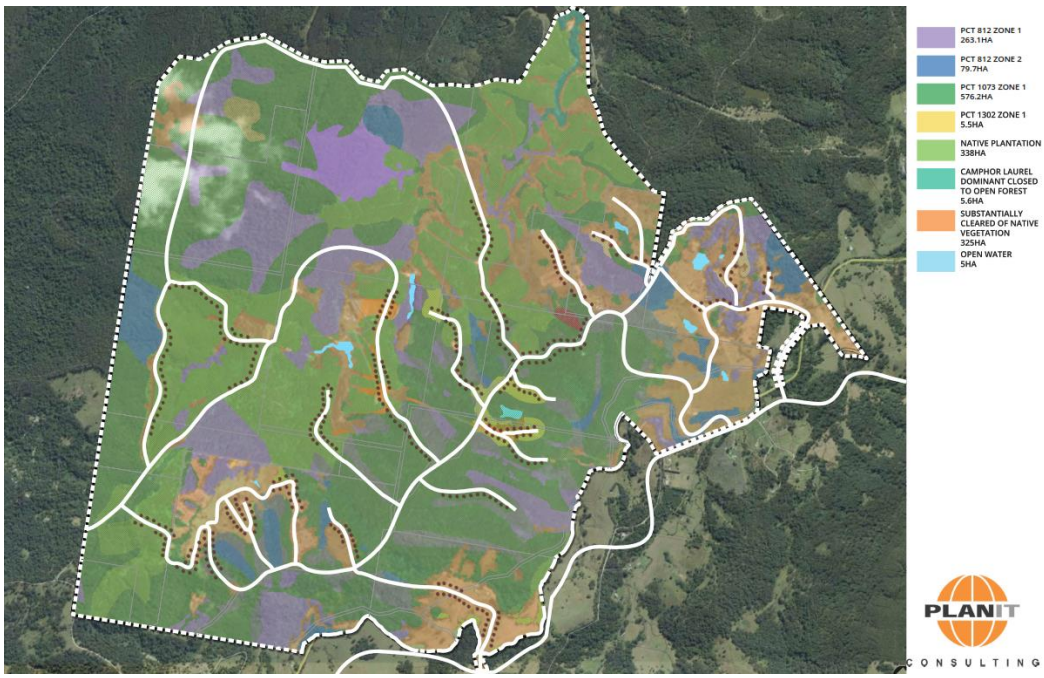

PCT 812 ZONE 1 263.1HA
PCT 812 ZONE 2 79.7HA
PCT 1073 ZONE 1 576.2HA
PCT 1302 ZONE 1 5.5HA
NATIVE PLANTATION 338HA
CAMPHOR LAUREL DOMINANT CLOSED TO OPEN FOREST 5.6HA
SUBSTANTIALLY CLEARED OF NATIVE VEGETATION 325HA
OPEN WATER 5HA
PLANIT
CONSULTING

Figure 19 – Plant Community Type

3.5 Ground Water and Acid Sulphate Soils

The subject site is mapped as containing low to moderately-high ground water vulnerability. The Development Areas within the site have been investigated through preliminary geotechnical studies, engineering, wastewater treatment and potable water strategies and are generally identified as moderately low to moderate vulnerability.

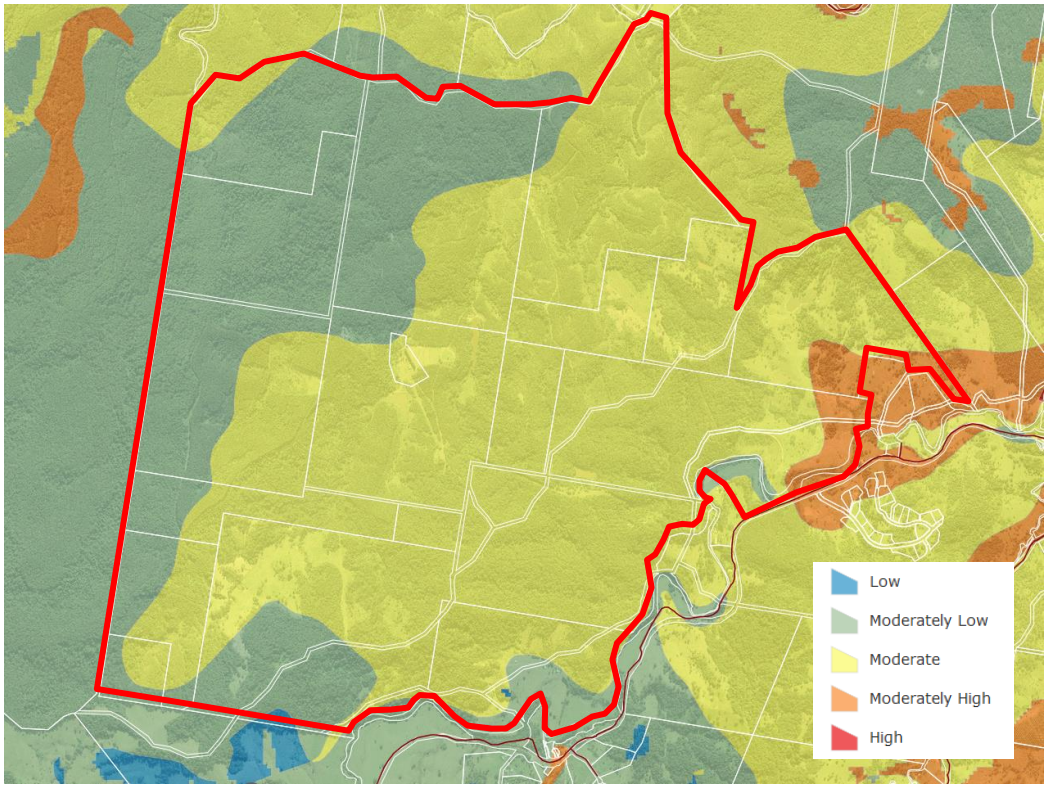


Figure 20 – Ground Water Vulnerability

Significant disturbance to ground levels is not proposed and works are unlikely to disturb groundwater stores.

The site is not within Council's Acid Sulphate Soils mapped area. Acid sulfate soils are generally located within lower lying land areas around rivers and tributaries. With several waterways traversing the site and increased ground water vulnerability towards the north-eastern portion, the site may be subject to minor risk of acid sulfate soils in this area.

3.6 Agricultural Suitability

A small area in the south of the subject site is mapped as biophysical strategic agricultural land (green in **Figure 21**). This mapping was undertaken by the state and intended to indicate the State's most valuable farming land. This mapped land primarily focusses around the Tweed River tributary along Kyogle Road and aligns with 'non-contiguous regionally significant farmland', as mapped under the Northern Rivers farmland protection project mapping and North Coast Regional Plan 2036 (**Figure 22**).

The remaining site is mapped as 'other rural land' and 'committed urban uses' and not identified as important farmland under State environmental planning mapping.

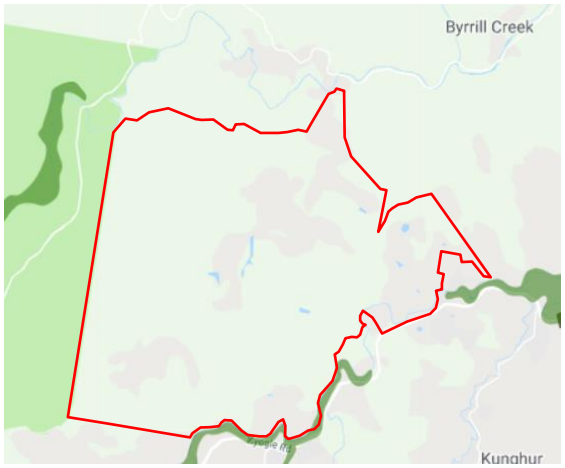


Figure 21 – Biophysical Strategic Agricultural Mapping

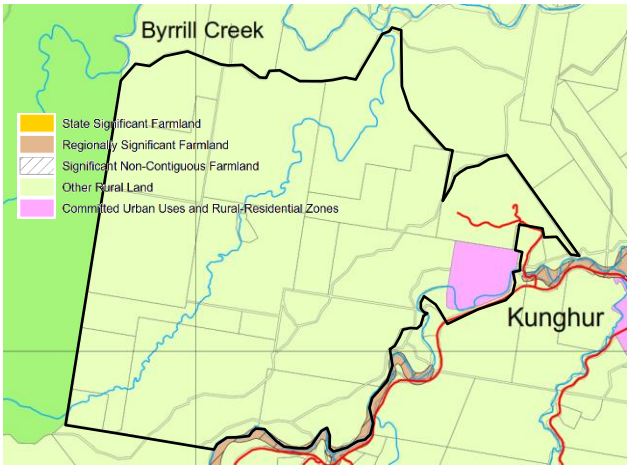


Figure 22 – Northern Rivers Farmland Protection Map

The subject site is mapped as land suitable for grazing but not cultivation (purple) and land unsuitable for agriculture (orange) under Tweed Agricultural Land Suitability mapping. These agricultural land classifications do not translate to the NSW Department of Primary Industries Agricultural Land Classifications, as such the site is not constrained by important agricultural land.

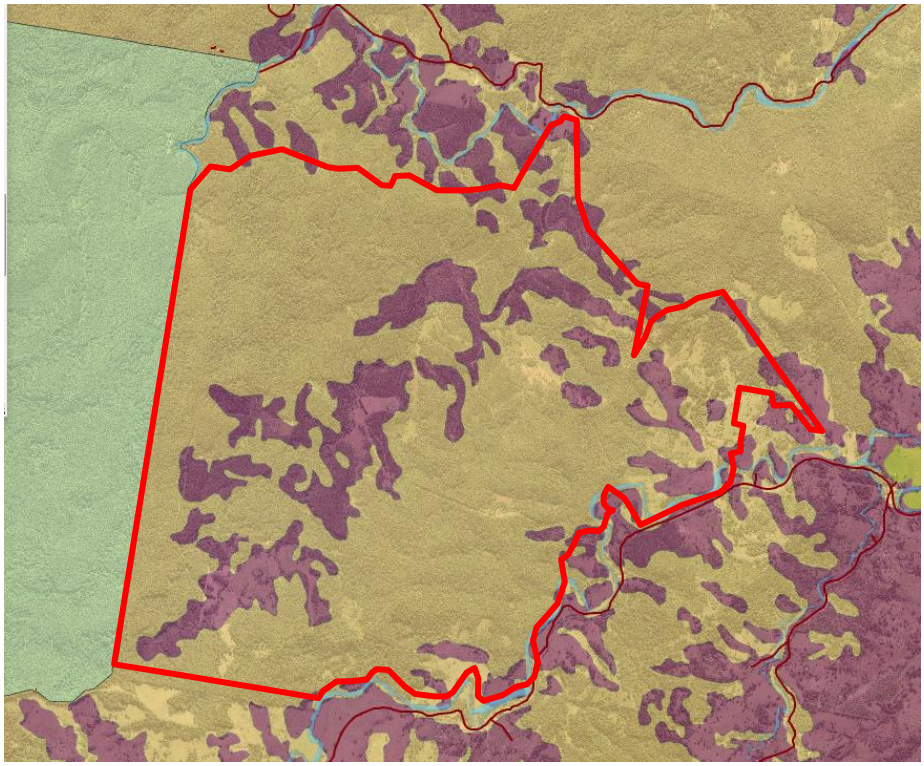


Figure 23 – Agricultural Land Suitability Mapping

3.7 Cultural Significance

The subject site is mapped as containing Aboriginal Place of Heritage Significance (yellow) and Predictive Aboriginal Cultural Heritage (blue).

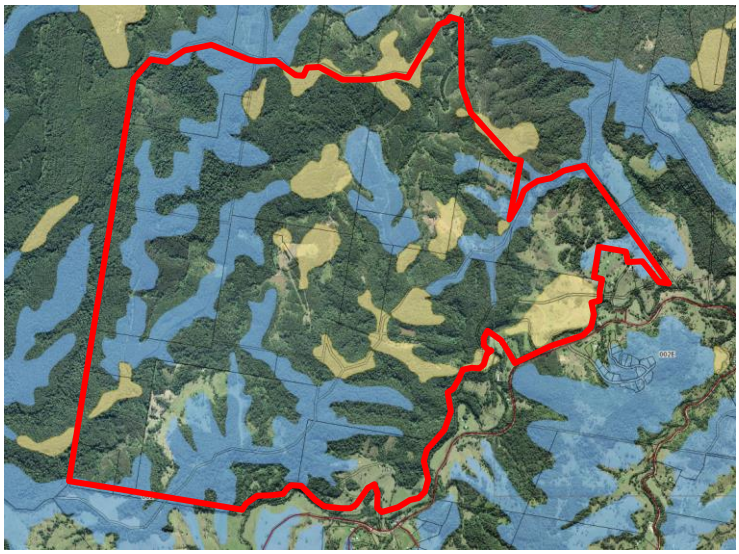


Figure 24 – Aboriginal Cultural Heritage Mapping

A comprehensive assessment of existing and potential Aboriginal Cultural Heritage was undertaken by Everick Consulting including site walk-over with the Tweed Byron Aboriginal Land Council. This considered previously identified AHIMS sites (some of which were not able to be relocated), as well as identifying new items across the site. The investigations focussed on the likely Developable Area and ridgelines of the site. This development outcome is discussed in more detail under Sections 6 and 7 of this SEE.

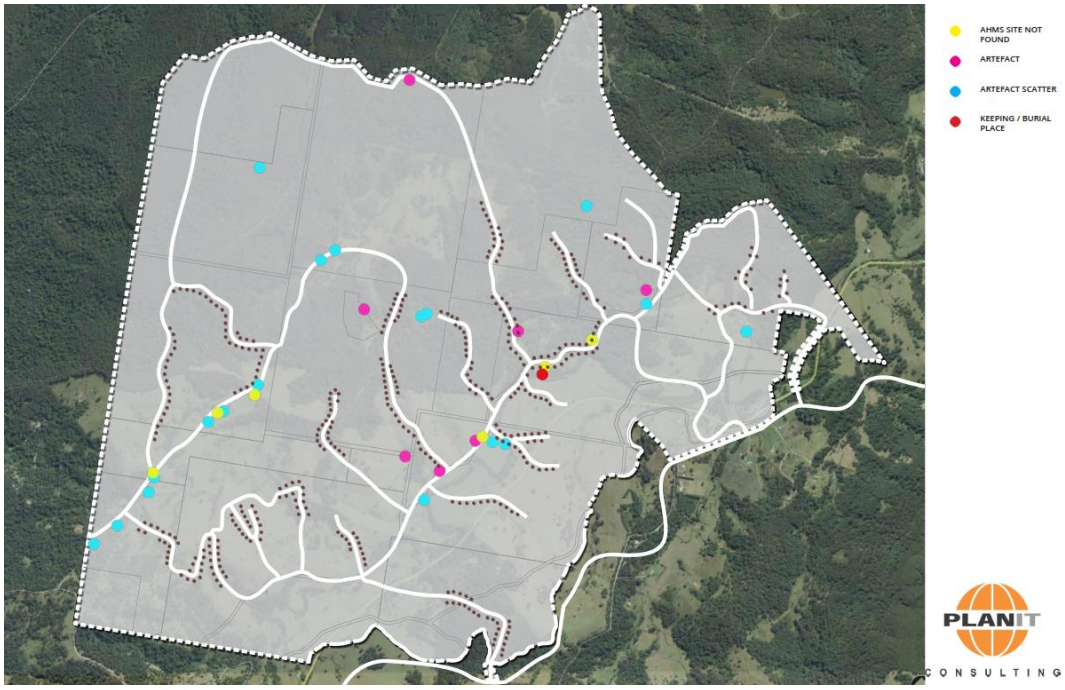


Figure 25 –Aboriginal Cultural Heritage Artefacts

Over 36x registered sites were investigated, ranging from small isolated artefacts and flakes along existing roadways, scarred trees, scatters, some clustered artefacts, a burial site and a number of Potential

Archaeological Deposit areas such as cleared vantage and possible camp sites. These are all detailed under the Aboriginal Cultural Heritage Management Plan (ACHMP) by Everick Consulting provided in **Appendix C**.

In accordance with the methodology of the ACHMP, the constraints mapping identifies and plots artefacts including a minimum 50m buffer around these. Where an artefact is close to an indicative dwelling plot, the ACHMP sets out future investigations and processed to confirm suitability. In each individual case this will involve future cultural heritage studies. Through this, avoiding and protecting artefacts will take precedence.

The proposal seeks to maintain a strong cultural connection to the land and in particular as a historic meeting place with song lines and view lines to key cultural figures (such as Mount Warning). The proposal is being developed in partnership and consultation with local tribal members and identified stakeholders under, and in addition to, the legislative requirements. A key philosophy of the community is getting back to the tribal wisdom of living with harmony and fundamental lore of 'do no harm'. Avoiding impacts and retaining and protecting significant artefacts and sites remains a primary objective of the Applicant and community.

3.8 Contamination

A preliminary site contamination assessment has been undertaken by Precise Environmental and is provided in **Appendix H**. The contamination assessment details the site history and identifies areas of potential concern and where these sit in relation to the Developable Area. Areas of potential concern are generally focussed around existing or abandoned structures, buildings, sheds, dams, sawmills and cattle dips within the site.

This assessment indicates that the land is unlikely to contain contamination sources which would require significant remediation or may preclude development opportunities all together. The preliminary assessment has identified a comprehensive review of areas of potential concern, potentially contaminating activities, and potential contaminants of concern. Though this is not deemed exhaustive and rather provides the framework for further sampling and testing when seeking consent for 'on the ground' works.

3.9 Bushfire

The subject site is mapped as containing vegetation category 1 and 2 bushfire prone land and associated buffer areas. Bushfire risk investigations have included liaising, meeting and site walk over with the NSW Rural Fire Service (RFS), desktop analysis, ground truth site reviews, and preparation of a Bushfire Management Plan to accompany the concept, which is provided in **Appendix D**.

This includes accurate identification of slope, vegetation type and suitable buffer available around each individual plot. This has guided the concept locations to be further confirmed and tested at detailed design. Bushfire risk will remain an important consideration through all stages of development and mitigated through ongoing management of the site and risk, to provide safety to residents and property.

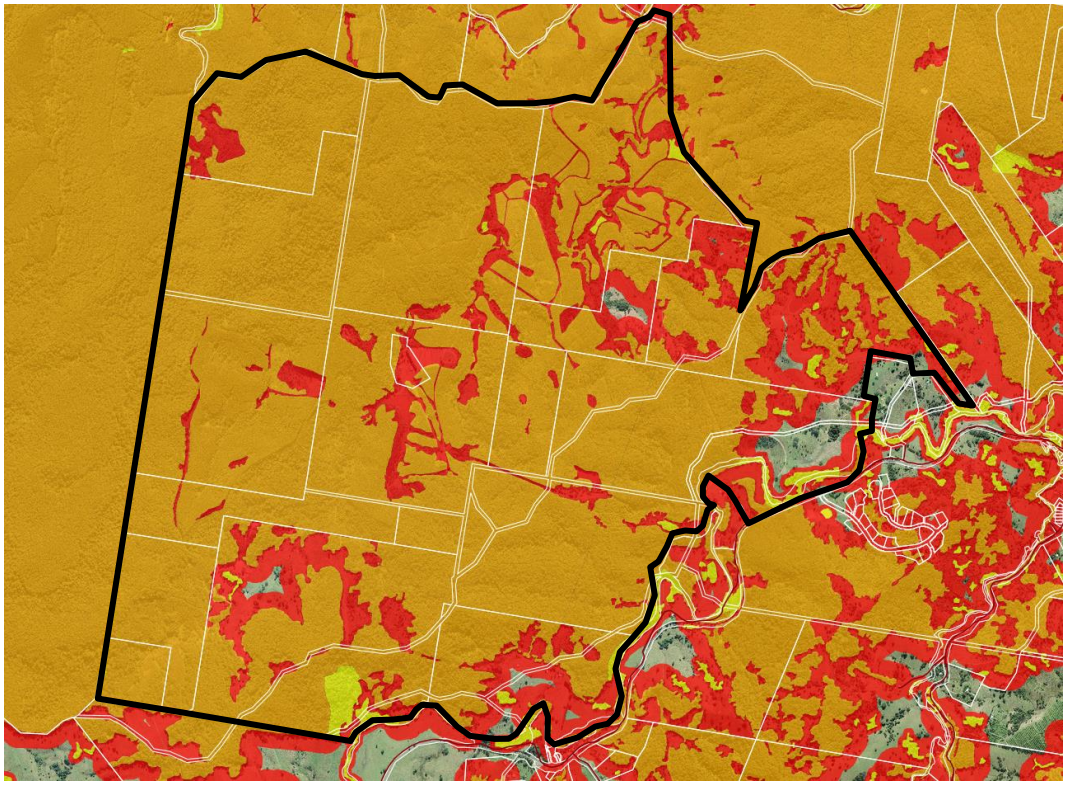


Figure 26 – Bushfire Mapping

3.10 Services

As available, DBYD data has been shown to illustrate connectivity opportunities for electricity and telecommunications. The intention for the site is to remain 'off grid' or 'self-sufficient'; however, extending telecommunications services to dwelling plots provide greater opportunity for remote employment. Similarly, having mains electrical infrastructure also available to the site, provides an alternative or additional power source for the site.

The suitability of the site for accommodating onsite services, such as wastewater treatment and potable water has been confirmed. The Precise Environmental investigations indicate that soil types throughout the site are capable for accommodating onsite irrigation and that there is significant land area available to ensure suitable buffers between treatment systems and sensitive environments, such as waterways, can be achieved. Potable water can be achieved through rainwater harvesting and storage tanks primarily, with opportunity for bores and springs also identified as available to the site.

The immediate road network surrounding the site comprise Kyogle Road, which is a Regional Sub-Arterial roadway linking Murwillumbah in the northeast and Kyogle southwest, and a number of lower order local roadways including Mt Burrell Road, Waratah Road, Mebbin Drive and Mandalay Road. The capacity and performance of these roadways and associated intersections, considering both existing and predicted future environments (excluding the proposal) were tested by Bitzios Consulting and determined to be achieving an acceptable level of performance and capacity for increased loading.

The investigation has flagged that there are a number of issues along the Kyogle Road corridor, generally north of the subject site, which have partially received funding and should not preclude the current Concept Plan considerations.

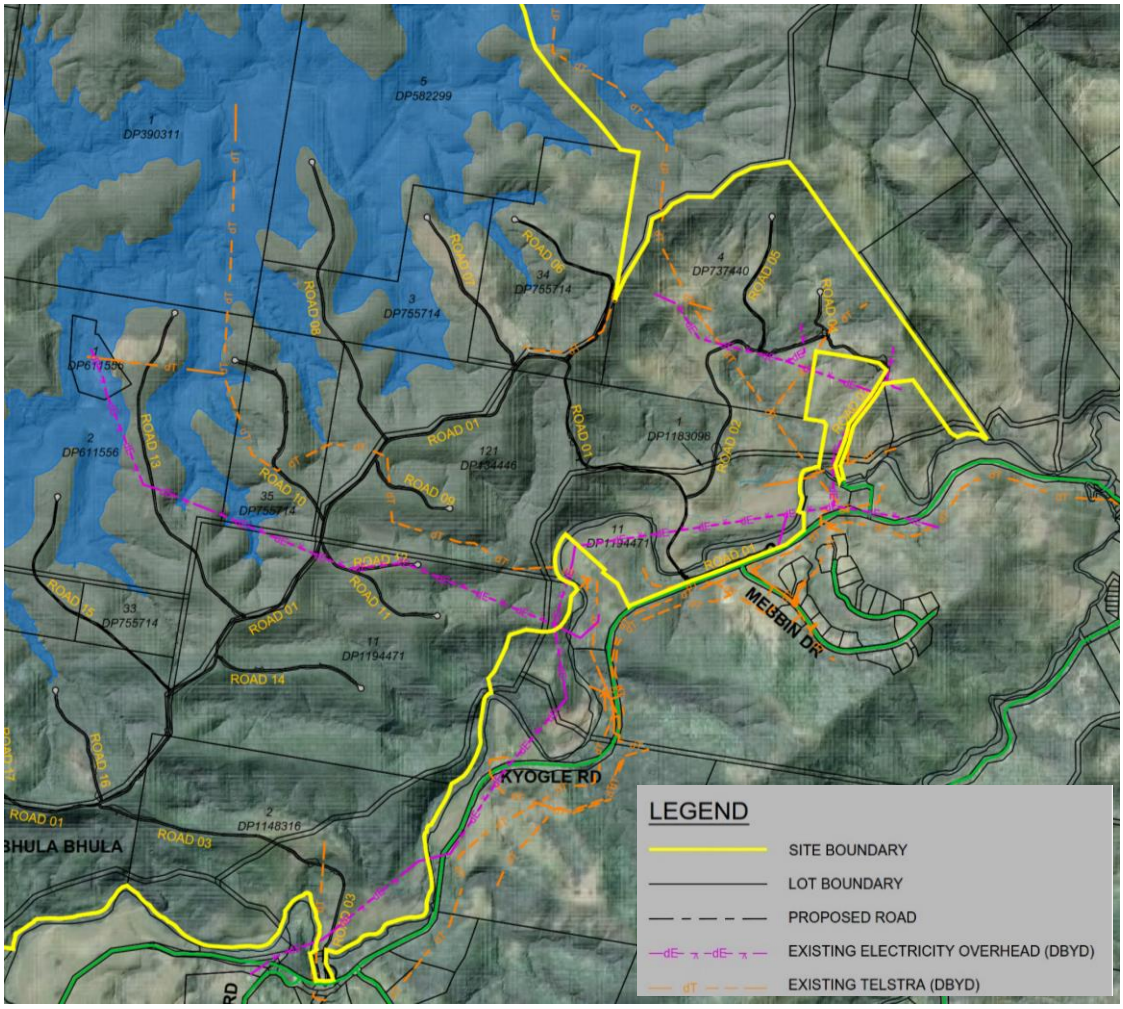


Figure 27 – DBYD Services

Similarly, the investigation confirmed that the area is serviced by public transport (bus) though there is limited pedestrian access and connectivity on the external road network surrounding the site.

Ground truthing of the existing internal road network has been undertaken and is illustrated throughout the constraints and proposal plans. Preliminary engineering detail of this network (long sections, cross sections and detailed design) accompanies the proposal to confirm the network can meet RFS and Australian standards requirements.

The extensive interconnecting road network across the site was historically established from timber forestry and farming undertaken since 1909. Some of the roads will potentially become segregated in the event of future dam inundation. Other roads require upgrade, widening or sealing to ensure appropriate access for residents and emergency vehicles. Where conflict has been identified with the potential future dam, these roads are intended to remain unformed. Similarly, where roads are not essential to the primary access and egress of the site, these have not been conceptually illustrated (although these present additional connective opportunities). Rather, the primary points for access and egress are illustrated in the excerpt in **Figure 28** and plans in **Appendix A**.

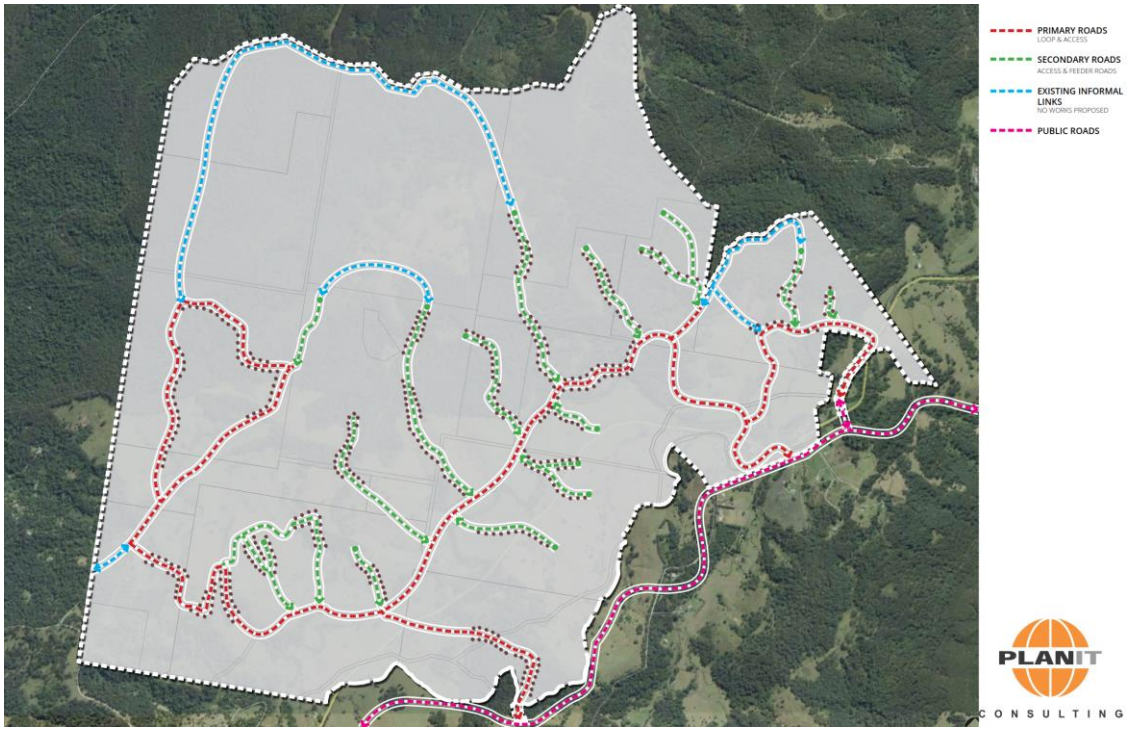
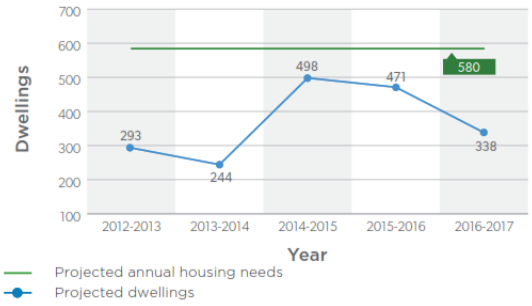


Figure 28 – Road Hierarchy

3.11 Socio Economic

The current ageing demographic and population forecast for the Tweed Region has a number of implications. Detailed analysis of the demographics and housing need is provided through the Economic Needs Analysis and Socio Economic Impact Assessment prepared by MacroPlan Dimasi in **Appendix B**.

Tweed is experiencing a rapidly increasing population. The North Coast Regional Plan 2016 forecasts an additional 11,600x dwellings over 20 years. While the intention is to generally focus and cater for this growth within existing and identified release areas (such as Nightcap Village, Cobaki, Kings Forest, West Kingscliff, Tanglewood, Dunloe Park, etc), the reality is that this dwelling target (580x per year) has not been achieved in over a 10+ year time period, exacerbating the issue of housing undersupply and demand. It is also identified that the housing typology being delivered in the Tweed is 97% infill and greenfield urban and residential dwellings, within urban growth areas such as the coastal strip.



Year	Single dwellings	Multi-unit dwellings	Rural residential dwellings	Total Commen-cements
2012-13:	234	50	9	**293**
2013-14:	190	49	5	**244**
2014-15:	425	61	12	**498**
2015-16:	415	47	9	**471**
2016-17:	216	112	10	**338**
2012-17	**1,480**	**319**	**45**	**1,844**

Figure 29 – North Coast House and Land Monitor 2019 Figures for 2012-2017

The anticipated population growth and demographic of Tweed will require a significant scale of ongoing development as well as housing diversity and affordability, with options outside the current release areas.

The site sits 15km southwest from Uki. The town centre of Uki has existing commercial and community services such as local shops, post office, a church and school. Demand on these services is currently in decline with Uki exhibiting a minor decrease in population from 765 in 2011, to 696 in 2016. This is evidence that while population of Tweed is increasing, this is being funnelled into coastal areas, partly attributed to a lack of opportunity and housing choice and at the detriment of Tweed's rural villages.

Collectively, the shortfall in housing delivery over a 10+ year time period coupled with both an increasingly populated coastal strip and improved technologies, has fostered an urgency for alternative housing prospects and an increased desire for more spacious, community-minded and rural lifestyle opportunities.

3.12 Planning Framework

The site and proposal are influenced by a variety of key planning policy, including, but not limited to:

State Government
- Environmental Planning and Assessment Act 1979
- State Design Guidelines
- State Environmental Planning Policies
    - State Environmental Planning Policy (Primary Production and Rural Development) 2019
- Urban Design Guideline for Regional Areas

Regional Strategies
- North Coast Regional Plan 2036
- North Coast Urban Design Guidelines
- North Coast Settlement Planning Guidelines 2019

Local Government
- Tweed Local Strategic Planning Statement
- Tweed Local Environmental Plan 2014
- Tweed Community Strategic Plan 2017-2027
- Tweed Urban and Employment Land Release Strategy 2009
- Community Facilities Plan 2019
- Rural Villages Strategy 2016
- Tweed Development Control Plan 2008
- Draft Scenic Landscape Strategy 2019
- Draft Tweed Shire Council Affordable, Attainable and Appropriate Housing Policy Statement
- Tweed Rural Land Strategy 2020
- Tweed Aboriginal Cultural Heritage Management Plan

Whilst applicable content of the policy suite is discussed further throughout this report, these documents were considered throughout the development of the Concept Plan and making of this application. Salient components of the abovementioned policies which shaped the DA include as follows.

3.12.1 Discount:
- Land greater than 18 degrees from the development footprint.
- Land areas easily visible from Kyogle Road from the development footprint.
- Areas possessing environmental significance from the development footprint

3.12.2 Acknowledge and respond to:
- The shortfall in housing delivery within the Tweed LGA over a 10+ year time period.
- The demand for lifestyles outside the urban footprint without sacrificing accessibility of services.
- The fragmented and diverse nature of properties within Tweed's rural landscape

- The desire for Tweed's rural landscape to retain its eclectic composition of land uses, environmental qualities and scenic value, along with pushing a strategic direction to provide a greater diversity of housing opportunities.
- The strategic goals established for Tweed's rural villages, particularly their sustainability, character and fostering of creativity and entrepreneurship.
- Ability through State legislation to provide additional housing within rural areas that is sympathetic to ongoing rural pursuits and does not fragment land.
- Council's desire for residential development to be located on land with less than 12^0 slopes.
- Avoid, minimise and offset principles for Nightcap and the locale's Aboriginal Cultural Heritage

3.12.3 Maximise opportunity to:

- Provide housing choice and lifestyle options within a picturesque rural setting which can leverage proximity to the Tweed and Lismore Regional Cities.
- Support housing affordability through alternative housing and localised social and economic infrastructure.
- Embed the 'Better Placed' principles within site layout and design and positively contribute to the 7x urban design priorities for regional NSW
- Provide rural land share and lifestyle opportunities with a direct relationship to a rural village that suitably responds to site and contextual constraints.
- Embody and empower best practice planning and design processes including adopting key strategies and objectives from Tweed Shire Council strategies such as Open space Strategy and Implementation and Community Facilities Plan.
- Integrate social infrastructure to support the long-term establishment of an emerging rural community and wider rural village.
- Support open space and social infrastructure use within the nearby Uki village.

The following additional mapped planning controls are applicable to the site.

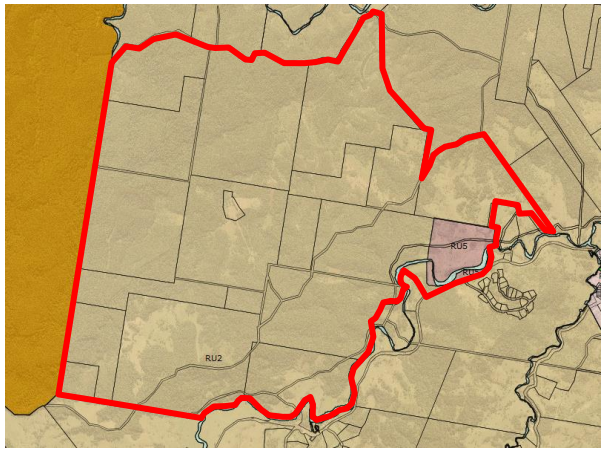


Figure 30 – Zoning Map

Zoning

The subject site is mapped as being within the
RU2 Rural Landscape;
RU5 Rural Village; and
W1 Natural Waterways.

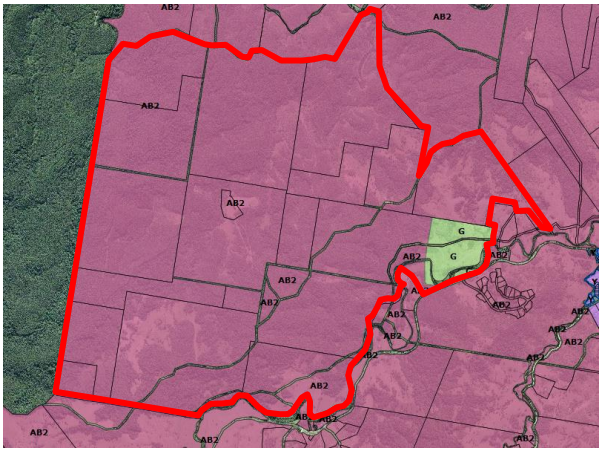


Figure 31 – Minimum Lot Size

Minimum Lot Size

The subject site is mapped as requiring minimum lot sizes of 40ha (AB2) and 450m^2 (G) respectively.

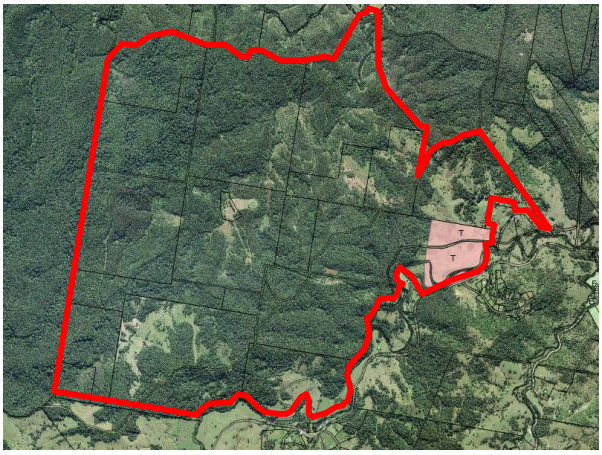


Figure 32 – Floor Space Ratio

Floor Space Ratio

The village area of the land is mapped within the floor space ratio 2:1. The proposal does not propose development within this area other than the access and internal road network. Floor space ratio is not considered a constraint for the development.

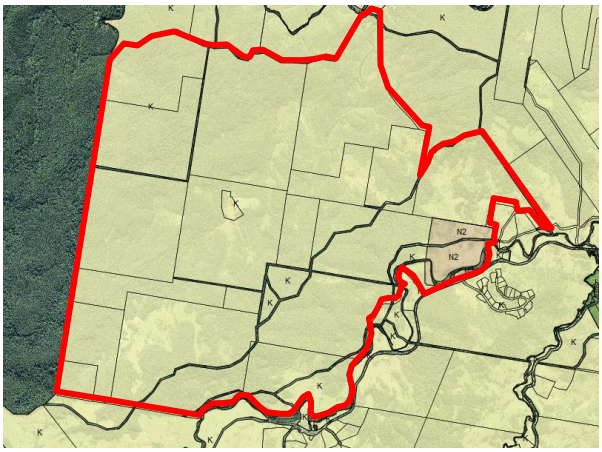


Figure 33 – Building Height

Building Height

The majority of the subject site is mapped within the building height layer of 10m (K). The Village area has a maximum building height of 13.6m (N2). The proposal seeks approval for a concept proposal with building height to form consideration at subsequent DA stages. The proposal envisions single and 2x storey structures as appropriate and will maintain a maximum building height of 8m in accordance with State Planning Policy requirements.

3.13 Site Analysis Plan

Figure 34 and **Appendix A** illustrates the cumulative effect of the site-specific studies, attributes, constraints and opportunities across the site.

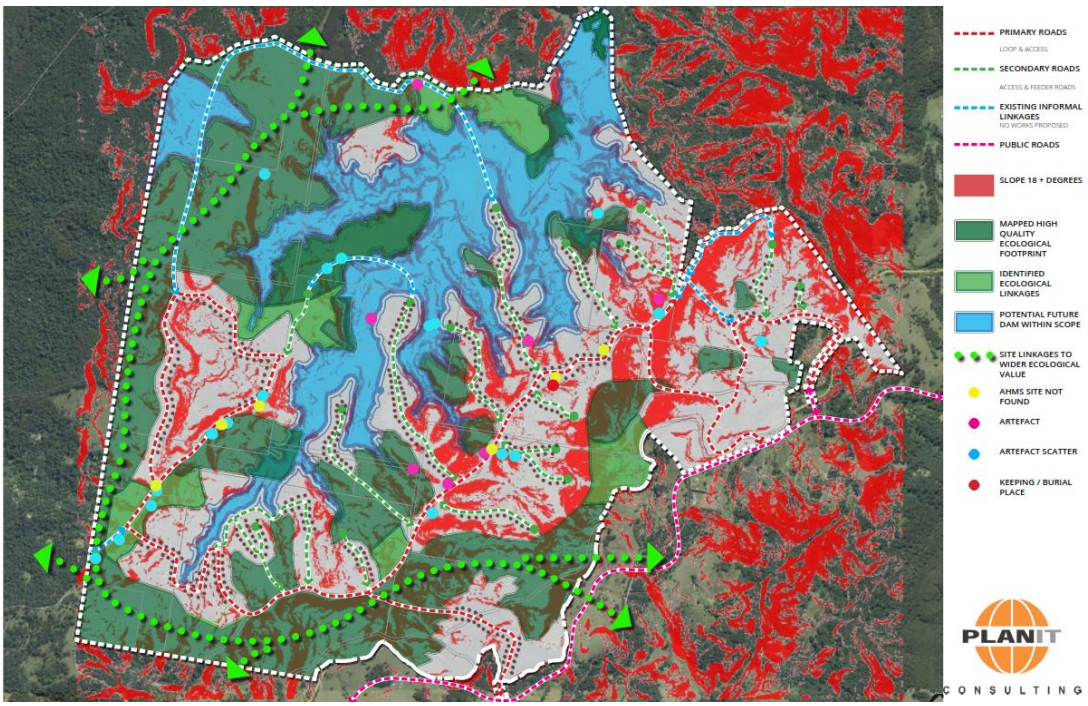


Figure 34 – Cumulative Constraints/Opportunities Analysis map

4 Proposal

4.1 Proposal Overview

The proposal represents a carefully considered, master planned approach for the site to meet an increasing demand for alternative and diverse housing. Overall, the Concept Plan and framework will facilitate the future development of 10x interconnected RLSCs spread amongst 1,584ha of the Tweed Coast Hinterland. Up to 392x dwellings will be provided across these 10x RLSCs, along with all roads, essential services, community facilities, recreational spaces, cultural appreciation areas and ecological rehabilitation areas.

Each of the 10x RLSCs accommodates dwelling plots based on each individual lot size, available developable area and the permissible dwelling density prescribed in the *State Environmental Planning Policy (Primary Production and Rural* Development) *2019*. The projected population for the whole site is between 750 – 1,000, when considering the outcomes of single occupier homes, Tweed Shire Council's typical 2.4x persons per dwelling generation rate and the allowable maximum population specified under the *State Environmental Planning Policy (Primary Production and Rural Development) 2019*.

This subject Development Application (DA) is made under Section 4.22(1) of the *Environmental Planning & Assessment Act 1979* (the Act) and sets out the proposed Concept Plan for developing the site for RLSCs. This subject DA also sets out in detail the first stage of development, which comprises private road access and earthworks.

To summarise, the subject DA comprises:

- **Concept Proposal for 10x RLSCs; and**
- **Stage 1: Associated private road access and earthworks to facilitate the RLSCs**
    - To upgrade and seal the access to Kyogle Road (opposite Mebbin Drive)
        - Earthworks
        - Vegetation removal
        - Rehabilitation works
        - Upgrades to internal private road, sealing, widening and grades

In accordance with Division 4.4 of the Act, subsequent DAs for stages 2-12 will seek approval to subdivide the site and establish the RLSCs.

- ***Future Stage 2: Subdivision and Associated works***
    - *Subdivision creating 11 Torrens lots*
        - Earthworks
        - Vegetation removal
        - Vegetation protection/regeneration
        - Associated works and upgrades of internal access
        - Servicing strategy (i.e. waste, resource recovery, recycled water, etc.)
        - Telecommunication and electrical connection

- ***Future Stages 3-12: RLSCs***
    - *Detailed design and allocation of dwelling plots*
    - *Community infrastructure (community facilities, roads, services, etc)*
    - *Plot preparation and essential infrastructure connection*
        - Earthworks
        - Vegetation removal
        - Vegetation protection/regeneration

4.2 Concept Plan & Framework

4.2.1 Vision

Rural land sharing provides for the efficient, sustainable and social use of rural land, important in developing 'community' living opportunities for like and lifestyle minded residents. RLSCs create group ownership, while maintaining master allotments on single titles to avoid dissection of land parcels. In the midst of exponentially increasing housing cost, rural land share has been earmarked as an important, sustainable and cost-effective housing option throughout northern New South Wales and indeed throughout the state.

This housing typology thrives in desirable and otherwise expensive locations, in particular when it is co-located and close to scenic, ecological, cultural and natural features and landscapes, such as national parks, mountain ranges, cultural landmarks, waterfalls, valleys and the like. The Nightcap on Minjungbul site presents this exact combination of natural landscape, cultural and environmental features. The vision for the emergence of Nightcap RLSCs is one of ecologically intuitive, co-operative, organically minded and socially interactive shared living communities. These vision objectives form the "ECOS" of the Nightcap community.

4.2.1.1 Ecological

The backdrop of Mount Warning to the north east, Border Ranges to the west, Nightcap mountain range to the south and Mount Jerusalem National park to the south-east provide an exceptionally unique and picturesque ecological setting, unparalleled in the area. Also included amongst the allotments are the starting tributaries of the Tweed River, Byrrill Creek and Kunghurloo Creek, which ebb and flow through and around the site. Ecological communities of flora and fauna exist in the area and are earmarked to be enhanced through intuitive conservation, rehabilitation and fostering a growing appreciation of the area.

The ecological vision is for the natural emergence of dwellings set amongst, and in appreciation of, the landscape. The Developable Areas are intended to both complement and provide benefit to the natural setting, offering:

- Natural views and vistas;
- Education through community initiatives and programs;
- Recreational and cultural enjoyment of the environment, incl. community facilities such as lookouts, walking tracks and amphitheatre;
- Sustainable cultivation of foods and materials; and
- Employment opportunities for residents through rehabilitation initiatives, community roles and management of existing plantation areas.

4.2.1.2 Co-operative

The proposal provides a range of opportunities for residents to participate, support and co-operate in community initiatives/roles, employment opportunities, works, farming, etc. Co-operative agricultural areas, recreational spaces, rehabilitation areas and housing hamlets will provide for ecologically sustainable and shared facilities and services such as food, goods, entertainment, recreation and socialising. Nightcap on Minjungbul supports the sharing of information, including innovative technologies (passive solar design, biomass gas converters, organic agricultural practices, etc.) which can contribute to business enterprise, employment and the co-operative nature of resident pursuits.

The co-operative and shared lifestyle offered by RLSCs avoids the social isolation experienced in many modern urban environments. Living, working, growing and nurturing together are the key co-operative initiatives which underpin the community mentality of the Nightcap RLSCs. The co-operative nature of RLSCs is such that the residents become the shareholders of their own community with a voice and representation in key decision making. Shareholders with responsibilities, expectations and invested interest in providing an exceptional quality of lifestyle for community collectives.

The Applicant has identified some key employment co-operatives as dwellings are emerging and works are being undertaken. The vision and opportunity for these include:

- Civil/construction;
- Mowing and maintenance;
- Water cartage/recycling;
- Forestry (plantation);
- Environmental rehabilitation;
- Trade (i.e. electrical, plumbing, building, tiling, etc);
- Stock and poultry (cattle, chickens, ducks, bees, etc);
- Gardening;
- Waste recycling, transfer; etc.

These are based primarily around onsite and ongoing dwelling related requirements. There will also be ample social, servicing and employment opportunities associated with future establishment and development of the village area which sits within the site, though delivery of the village is to form a standalone planning approval pathway.

4.2.1.3 Organic

Another key objective for Nightcap on Minjungbul is the vision of an organic, sustainable, nature based and back to basics society. While dwelling plots have the ability to offer essential services by traditional means (water, sewer, power, etc), individual dwellings may also consider and support 'off-grid' living opportunities and utilise natural sources of energy, lighting, cooling and water provision to provide typical

living luxuries in an alternative lifestyle setting. Food will be primarily grown and/or sourced on site through communal gardens, farming and poultry as appropriate. Building materials will include naturally sourced timber from existing plantation areas on the site as available, and Nightcap will actively support crafts, products, works and services internally to support the cohesive nature of the communities.

The organic nature of Nightcap is not limited to the organic provision of food, services and products though. This vision objective considers the community as an organic, living and growing entity. One key aspect considered within the Nightcap 'organic' vision is a supportive and growing community that provides a natural, environmental and social connection and support network. RLSCs provide the unique opportunity for co-habitation of dwellings within cluster/hamlet arrangements, these can be grouped for people experiencing or 'at risk' of homelessness, crisis housing, wellness centres and rehabilitation housing as examples. Several community-based organisations have displayed interest in the potential group or clustered dwelling opportunity provided by Nightcap. The development of the Nightcap communities as a living, growing and organic support structure underpins the Nightcap vision.

4.2.1.4 Social

As touched on in relation to co-operation, social isolation is experienced in many modern urban environments, often through cultural and socio-economic segregation. Rural land sharing, in its essence, hinges on the collective and common ground of its residents, functioning as a community collective for sustainability and management. The co-operative and collective good of residents stems from their like-minded lifestyle goals and desires. A social component underpins all the objectives of Nightcap RLSCs. Social interaction enhances the way in which residents enjoy and appreciate the ecological and cultural importance of the site and village. Social organisation encourages the co-operative nature of the community and provides the foundation for interaction between its stakeholders. And social support allows the growth and organic nature of decision making, action, community direction and desires.

The vision for Nightcap on Minjungbul is a socially inclusive and responsive hub that supports, and is supported by, its residents. Social interactions are envisioned to include events, meetings, educational courses, cultural programs and initiatives conducted within common property areas and shared facilities such as community centre buildings, amphitheatre, community gardens, cultural horticulture and growing areas, etc.

Rural land sharing is not a new concept, nor is this type of development unplanned. RLSCs have proliferated throughout the Far North Coast of New South Wales since 1973. This alternative housing form and valued lifestyle opportunity was acknowledged through the NSW Planning System in 1988 and made permissible within rural zones under *State Environmental Planning Policy No 15 - Rural Landsharing Communities 1988* and continued via *State Environmental Planning Policy (Primary Production and Rural Development) 2019*. This recently adopted State policy confirms the NSW Government's support towards cooperative rural living as an alternative housing option throughout NSW and sets the necessary framework to guide their employment.

RLSCs provide an important housing typology for residents seeking to shift from a segregated community dynamic and lifestyle to a rural community collective. The Nightcap site is perfectly equipped to benefit from this unique and specialised housing typology, filling the demand for this type of lifestyle opportunity in an exceptionally desirable location and otherwise unachievable for most.

4.2.2 Concept Proposal Particulars

The Concept Plan has been configured in direct response to the site's constraints, opportunities, location and serviceability and sets out the overarching guidelines for future development. The Concept Plan divides the site into 7x key domain areas.

These are:

1. Developable Area
2. Community Facilities (included within the Developable Area)
3. Village Centre
4. Internal Roads/Right of Way
5. Environmental Protection/Rehabilitation Areas (and linkages)
6. Open Space
7. Potential Dam Inundation

A Development Matrix has been prepared to confirm the particulars for each of the 7x domains, their intended development outcomes and include guiding principles for subsequent development proposals. The inclusion of draft Architectural Design Guidelines also offer clarity on the intended design direction for dwellings and structures.

The following subsections provide greater detail in regard to the Concept Plan and these key domain areas. To assist the reader, this SEE also confirms what works are proposed within each domain under Stage 1. We note however, that a detailed discussion regarding Stage 1 works is provided under Section 4.3 of this SEE.

4.2.2.1 Developable Area

Land which will accommodate the future dwellings, community facilities and associated infrastructure will be contained within the Developable Area of the Concept Plan.

The Developable Area (pink and yellow in **Appendix A2**) has been identified and mapped considering detailed analysis of the site and constraints. While the intention is to minimise disturbance and retain as much vegetation as suitable, the Developable Area will require some vegetation clearing for general site levelling, plot preparation and bushfire protection.

The Developable Area generally comprises existing or historic plantation areas, cleared areas and levelled ridgelines. The slope across Developable Area is generally less than 18 degree to ensure future dwellings and associated domestic services can be established on land without the need for significant earth and stabilisation works and to meet bushfire planning requirements.

While clearing and individual plot preparation works within the Developable Area would be subject to future development proposals, the environmental reporting which supports this application has indicated that the introduction of this form of development and any loss of vegetation within these areas can be addressed to ensure potential environmental value impacts can be appropriately managed and significantly offset.

The detail of the Developable Area is shown in **Table 5**.

Table 5 – Developable Area

Area	No of RLSC dwellings proposed	Works at Stage 1	Works at subsequent Development Application stages
318Ha	392x dwellings	No works proposed	Earthworks and plot preparation Dwelling construction Dwelling services (onsite effluent, rainwater tanks, etc) Community Facilities construction Landscaping

4.2.2.2 Dwelling plots and future dwellings

Up to 392x new dwellings will be accommodated within the 318Ha of Developable Area throughout Nightcap. 392x dwelling plots (as opposed to an envelope) expected to range between 4,500m^2 to 10,000m^2 have been nominated across the Concept Plan to demonstrate that this dwelling yield and any associated essential infrastructure can be accommodated upon unconstrained land. This also illustrates the intended neighbourhood layout of hamlets (clusters) of dwellings scattered throughout the landscape, along roads, ridgelines, and key vantage points of the site.

Actual dwelling plots will be confirmed and defined through subsequent DA stages 3-11 before being prepared and released by NCV Enterprises to community shareholders. Shareholders would then seek approval for their new dwellings upon land within the Developable Area and dwelling plot allocated, through future / individual planning application processes.

These dwelling plot areas are not static, and not proposed to set the limitation / building envelope for future dwellings. Rather, shareholders have the flexibility to locate their respective dwellings within their respective plot and under the guide of the Concept Plan and framework, including but not limited to:

- Aboriginal Cultural Heritage Management Plan (**Appendix C**)
- Bushfire Management Plan (**Appendix D**)
- Architectural Design Guidelines (**Appendix M**)
- Servicing strategies for power, sewer and water (**Appendix's H & I**).

A list of intended architectural standards is included within the draft Nightcap Rural Land Sharing Architectural Design Guidelines (ADG's). These standards are not designed to suspend development standards or guidelines of Tweed Shire Council or other relevant State legislation, but provide a theme to guide the future character of Nightcap RLSCs. The matters encompassed by the draft ADG include:

- Design vision, objectives, principles
- Consistency in architectural styles and materials with the local environmental setting;
- Landscaping standards and expectations;
- Fencing details;
- Limits on the scale, design and siting of buildings;
- Siting and scaling standards for new buildings.

4.2.2.3 Infrastructure

A servicing strategy has been developed for all future dwellings as well as community facilities (these facilities are discussed under *Section 4.2.2.4* below).

For the most part, the servicing strategy does not rely upon a fixed main / reticulated network given the rural setting. It utilises a combination of passive design, materials and technologies for ensuring essential service provision, sustainability, promoting environmental health and reducing costs. This also allows the provision of services to be considered on an as needs basis (i.e. when a dwelling is proposed). The concept provides for all essential services discussed below, though because of the site opportunities and sustainable community nature of the proposal, ability for the site to provide centralised recycled water, solid waste recycling and leading innovative servicing measures will continue to be investigated.

- **Sewer** – 3x options include:
    1. Solar powered all waste secondary treatment system and designated irrigation area for each dwelling plot.
    2. Composting toilet and designated grey water treatment system for each dwelling plot including Evapo-transpiration system and beds.
    3. Centralised solar or generator all waste secondary treatment system and designated irrigation area for grouped dwelling clusters and community facilities.

The necessary irrigation area will vary in accordance with the domestic requirements (i.e. number of wastewater generators) though this is not considered to be a constraint considering the size of individual dwelling plot areas, site area, buffers available to waterways (existing and future) and range of disinfection options and irrigation technologies considered under the Concept Plan. These include irrigation options specifically tailored to sloping land as discussed in the sewerage strategy in **Appendix I**. These will be further refined through detailed DA's and able to address each individual dwelling plots unique requirements.

Sewage will be managed similarly to any rural area where individual dwellings can provide individual onsite sewage management systems (OSSM). In addition to operating systems in accordance with the manufacturers specifications, the Nightcap on Minjungbul Community Management Committee and bylaws will enforce quarterly checks, additional safeguards, community reminders and controls to ensure the ongoing operation and maintenance of OSSM systems.

- **Water** – Rainwater tanks are specified within the potable water management strategy. The design specifications consider storage capacity and harvesting volumes to appropriately service dwellings through prolonged dry periods or drought with a safeguard of secondary tanker import (if required). While the servicing strategy has conservatively sized rainwater tanks, there is ability to increase capacity of these and provide further safeguard. We note the existing dwellings over the site currently utilise similar rainwater tanks sizes and have rarely sought tanker import top up (1x instance in an approx. 10 - 15 year period).

  The road network, which accommodates an RFS sized vehicle, will allow water carting to dwelling plots. Given the rarity that tanker imports will be required (as evidenced both by current residents on the site and the ability to increase capacity of rainwater tanks to further negate occurrence/need) there is not expected to be any additional impact on Kyogle Road, dwelling amenity or the surrounding area. Kyogle Road functions as the primary movement of traffic between Murwillumbah and Kyogle and is capable and suitable for heavy vehicle movements. In addition, the internal road network has been designed to heavy vehicle standards confirming tanker imports are suitable and may be sourced from anywhere within the surrounding area (particularly given the exceptionally rare need).

- **Power** – Solar power with battery back-up for individual dwelling and centralised solar power with battery back-up to community facilities. Generators are also intended to be included within centralised locations such as community facilities to provide as an additional safeguard for dwellings and the community.

  Power exists and is available for connection to the sites. If individual dwelling plots and community facilities are proposed for connection to this network at detailed DA stages, it is anticipated that some modifications and augmentation to the network will be required to cater for increased load on this infrastructure. This augmentation and upgrade could be undertaken at the developers cost, should connection be sought.

- **Telecommunications** – Hard wired fibre optic cabling to key community centre nodes. This is currently available to the site by way of Kyogle Road and would be extended, upgraded (as needed) and installed underground along internal roads. There will be capacity for individual dwelling connections from these nodes and network. WIFI is available to the eastern area of the site. No additional telecommunication towers are proposed (in particular 5G is not proposed/desired).

While the evidence suggests the estimated population at Nightcap can be provided all essential infrastructure through predominantly independent sources (i.e. rainwater tanks and onsite wastewater management systems) there remains significant opportunity to explore alternative / additional sources through more centralised and cooperative systems as well as emerging and innovative technologies. This could include Nightcap seeking its own sewage treatment/water reclamation or recycling plant and requirements under the *Water industry Competition Act 2006*. Such systems provide additional benefits to the off-grid solution, including supplementing reliable water sources, increased recycled water opportunities for irrigating food, open spaces and rehabilitation areas, improved aesthetics and reduced land application requirements.

4.2.2.4 Community Facilities

Community facilities will offer a range of social, productive, collaborative, individual and recreational opportunities for shareholders. Generally, centralised community facilities such as community halls, gardens, amphitheatre and utilities will be co-located within hamlets, while additional passive and active recreational opportunities such as walking tracks, viewing/seating areas, educational/cultural and ecological signage/interactive structures and the like will be dispersed throughout the site.

Community Facilities are on private land and generally for use by the shareholders/Nightcap community members and their visitors/guests. That said, commercial/public (subservient) use of community facilities (such as private hires, community markets, open days, events) will act to provide promotion, education, employment, funding and social sustainability opportunities. These may be open to the wider community in accordance with relevant permits and planning as required. While not considered 'public' assets for the wider community, these private community facilities offer benefit and community use for residents and align with key social, environmental and economic benefits identified in Tweed Shire Council's Open Space Strategy 2018 – 2028 and Community Facilities Plan 2019 – 2036.

Community facilities will be permitted within the Developable Area and Open Space areas of the Concept Plan, with key sites for intended centralised community facilities being indicated in yellow in the Concept Plan in **Appendix A2**. These areas will provide opportunity for a range of community and recreational services such as:

- Community Building/Facilities/Utilities providing services and central hubs for communal recreation, community meetings, social gatherings, community events, infrastructure and services (i.e. halls, BBQ's, toilets). Specific halls may also double as bushfire refuge buildings as appropriate and expected to be equipped with wi-fi capability;
- Amphitheatre area for larger community events such as markets and social gatherings. The amphitheatre is proposed on a large expanse of cleared area with a refuge building, direct lines of sight and access to facilitate neighbourhood refuge (in the unlikely event of a bushfire which segregates access to Kyogle Road);
- Community Gardens dispersed throughout the site for horticulture, social, cultural and educational purposes producing a range of goods for the residents;
- Recreational Facilities, indoor and outdoor structures and areas including open space play areas, natural springs, lookout structures, bushwalking tracks (formal and informal), etc.
- Educational Facilities including educational signage, interactive structures, preserved structures/areas for the education and understanding of the natural environment and history of the site and region. To be established through future DA and investigations in respect to the aboriginal and European culturally significant areas and heritage of the site.

Figure 35 – Visual Examples of Community Areas

The built form standard of community facilities will also be guided and considered against the Nightcap Rural Land Sharing Architectural Design Guidelines which are contained within the Visual Impact Assessment in **Appendix L**.

Table 6 – Community Facilities

Area	No of indicative Community Facility areas	Works at Stage 1	Works at subsequent DA Stages
15Ha	6 primary areas	No Works Proposed	Earthworks and site preparation Community Facilities construction Community services Landscaping

4.2.2.5 Village

The 44.3Ha village area sits within the site. The delivery of the village itself though, will be subject to a standalone planning approval process with investigations commencing on this in 2020. This area forms part of this DA for the sole purpose of supporting access from the new RLSCs through to Kyogle Road. The village remains a key area for development of commercial and supportive services for the site, area and region. The Village is identified in Council strategic directions and visions as a key economic driver and location to provide for projected housing demands. The concept does not identify parameters or guidelines for the village area, as the direction of this village will be subject to a specific and independent DA process.

Works within the village zoned land are the Stage 1 private road access and earthworks to facilitate the RLSCs access to the site from Kyogle Road. No additional preparation or development is envisioned by the concept.

Table 7 – Village

Area	Works at Stage 1	Works at subsequent DA Stages
44.3Ha	Associated private road access and earthworks to facilitate the RLSCs (Refer to *Section 4.3*)	Earthworks and site preparation Access upgrade, widening, sealing and grading Future land uses and development within the Village Centre will be subject to a separate planning approval process

4.2.2.6 Roads

The road network under the Concept Plan utilises the existing internal access tracks. This allows a ribbon type development layout across the site, with Developable Area comprising dwellings and community facilities that utilise established trails and previously disturbed land. Roadways will sit within a 20m wide easement managed under an 88B instrument and overarching Bushfire Management Plan to be maintained for access and evacuation purposes.

Establishing this formal private road network will require widening of pathways / roadways to a 6m road width on a 7m wide road base to facilitate two-way vehicle manoeuvring across the site. Stage 1 includes the starting point of this widening, sealing and grading works. Solar, wired, and off-grid lighting opportunities will be investigated through detailed design stages and may be located where this can offer increased visibility, safety and security, while limiting adverse environmental impacts and with particular consideration of fauna corridors and adjacent properties.

Parts of the network (including tracks within the potential dam area) have been excluded from future upgrade. This will ensure no hardstand development within this potential dam area, while informal linkages can be maintained in the short term.

The road layout provides safe and efficient access and egress of vehicles as well as manoeuvrability and capability for emergency service vehicles. This will require vegetation clearing and maintenance within the 20m easement for asset protection. Where roads pass through identified and mapped high quality ecological areas, clearing will be minimised to achieve suitable asset protection, while offset planting and protection of flora and fauna crossings will be maximised.

The maximum grade of roads achieves RFS and Australian Standards and will include bitumen/concrete road sealing as required. Turn around bays are provided as cul-de-sac heads to non 'through' roads. Internal roads are expected to require minor grading, excavation and fill. The site provides ample opportunity to internally source fill such as an existing decomposed granite store which has historically been used for track upkeep and minor filling purposes across the site. Where required to be imported, high quality fill may also be locally sourced.

Complete internal roadway long and cross sections have been prepared by Planit Consulting and are provided in **Appendix A3** to confirm the suitability of the site to accommodate the network. Works under Stage 1 are limited to upgrading the private road entry point to Kyogle Road and widening and sealing an approx. 75m stretch of 6m wide internal private road (in addition to an existing 20m stretch sealed recently by Council within the site). This does not achieve exempt provisions and therefore requires consent as Stage 1. Stage 1 is further discussed in Section 4.3.

Table 8 – Internal Connection Roads

Road specifics	Works at Stage 1	Works at subsequent Development Application Stages
26.5km road (total length) 20m verge / easement 6m paved width 7m road base	Internal road widening, sealing and grading and associated works Sealed stretch of internal road Compacted grave internal road Excavation, cut, fill and grading Vegetation removal Stormwater drainage	Remaining 26.3km internal road network Upgrade 1x internal road to Kyogle Road and associated works Upgrade 1x internal road to Mandalay Road Excavation, cut, fill and grading Vegetation removal Stormwater drainage

Figure 36 – Visual Examples of Internal Road Network

4.2.2.7 Environmental Protection/Rehabilitation and Linkage

The Concept Plan establishes a strong relationship between people and the natural environment, underpinning environmental protection and uplift under the fundamental lore of 'do no harm'.

Ecologically significant areas have been identified and mapped through extensive ground truthing investigations, and for the most part, will be avoided when establishing the Developable Area and formalised internal road network.

The Concept Plan nominates ecological protection and rehabilitation areas which will provide the foundations for education, understanding and enjoyment within the natural landscape setting of Nightcap on Minjungbul. The Concept Plan also indicates key fauna corridor linkages that avoid developable and future inundated land and will be the focus for regeneration works onsite.

The ecological restoration strategy proposes 2x main approaches, being 'natural regeneration' and 'assisted natural regeneration' with the mapped areas displaying ecological values that can be retained and enhanced. Where areas are degraded, though provide opportunity for key linkages; assisted natural regeneration or 'reconstruction' will be implemented to regenerate, protect and expand the populations of native flora and fauna. The strategy also designates retained and rehabilitated ecological areas of more than 780ha for stewardship which will form a Biodiversity Stewardship Agreement to be implemented over a 20x year period and protected in perpetuity.

Table 9 – Environmental Protection/Rehabilitation and Linkage Areas

Areas	Works at Stage 1	Works at subsequent DA Stages
541Ha Rehabilitation/ protection 96Ha corridor link/ rehabilitation	No Works Proposed	Environmental Protection Works Weed Clearing/vegetation removal Vegetation Management Vegetation Planting Rehabilitation works

4.2.2.8 Open Space

The Concept Plan identifies open space areas, being all land not specifically suitable for dwellings (i.e. slope constrained), and not identified as high-quality ecological value. This land will remain suitable for minor development, provided development within these areas addresses appropriate considerations (such as sediment control, slope, etc).

Open space areas are a transition between the developable and environmental rehabilitation areas. Low impact (and at times informal) recreational areas such as lookout structures, nature walks, outdoor recreational facilities and landscaping are expected within open space areas in replacement of typical field-based sports and formal public open spaces which will focus within the village.

By way of example, the site's undulation, whilst restricting typical sporting field, does provide opportunity for smaller footprint sporting facilities, such as 'pump tracks', wheel/skateparks, mountain biking and the like. In addition, walking trails will be explored through green infrastructure, rehabilitation and environmental embellishment areas, forming a larger fitness trail across the site. Likewise, the connected and undulating road layout could be supported with a traffic management plan to enable use as a cycling criterium circuit from time to time.

Open spaces can provide for active and interactive lifestyle uses, for both private and community recreation and all ranges of residents (age, fitness, ability, interests). The site offers a unique and iconic natural setting and will leverage these to promote a range of recreation opportunities (walking, running, cycling, gardening, bushland rehabilitation, sporting, cultural appreciation).

Table 10 – Open Space

Area	Works at Stage 1	Works at subsequent DA Stages
240Ha	No Works Proposed	Weed Clearing/vegetation removal Low Impact Community Facilities construction Community services Landscaping

4.2.2.9 Dam

The area of potential dam inundation has been mapped over the site. Through ongoing discussion, Council has indicated this area will be sought for either environmental retention or as a future dam and ultimately owned and managed by Council. In either circumstance, development of hardstand areas or structures within this area is not proposed by the concept.

Table 11 –Potential Dam inundation Area

Area	Works at Stage 1	Works at subsequent DA Stages
329Ha	No Works Proposed	No works proposed

4.2.3 Subdivision and Lot Configuration.

Individual titling of dwelling / plot or land ownership is not considered for the site, nor is it permissible through the relevant environmental and planning framework.

To facilitate the intended layout and yield for the 10x RLSCs however, existing lots and their boundaries will be required to be altered. While this realignment of boundaries will be subject to a future DA, the Concept Plan does indicate the preferred subdivision layout for the site, please refer to **Appendix A2**.

This intended subdivision layout does not fragment the site for the purpose of additional dwellings. Rather, the subdivision amalgamates the current 21x lots into 10x lots and facilitates 10x RLSCs and 1x Village lot.

Each proposed lot contains Developable Area land of a suitable size to cater for the RLSC dwelling plots available under *State Environmental Planning Policy (Primary Production and Rural Development) 2019*.

Lot configurations have been based on the attributes of the land and some boundaries align with Council's preferred dam boundary. This ensures that, if and when this land is resumed, this area can be separated with minimal need for boundary adjustment. The balance area of these lots (post dam resumption) achieves the LEP minimum lot sizes for the zone (being 40ha).

20m wide right of ways easements have been shown and labelled accordingly, ensuring road access is maintained for all lots. Easements benefit less than 5x lots as specified in Council's Subdivision Manual. The maximum number of lots benefitted would be by Easement A in proposed Lot 1 which benefits 4x lots (lots 2, 5, 6, and 11) and Easement C in proposed Lot 3 which benefits 4x lots (lots 7, 8, 9, and 10). The proposal therefore meets Council's technical requirements under Section A5, though given the RLSCs shared nature access will be permitted across the site.

Lot titles will incorporate 88B instruments to ensure lots are collectively managed and development remains linked to the concept. This instrument will be delineated through the subsequent subdivision stage.

4.2.3.1 Concept Subdivision Particulars

The existing and proposed lot detail is illustrated within **Table 5** below. The subdivision plan is provided within **Appendix A2**, which details the lot boundaries, areas and 20m right of way easements.

Table 12 – Concept Subdivision Particulars

Existing Lots				**Proposed Lots**			
Lot / DP	Area (ha)	SEPP Calc	Dwellings	Lot / DP	Area (ha)	SEPP Calc	Dwellings
121 / DP134446	158.17	41.043	41	Lot 1	44.34	N/A Village	-
3 / DP755714	37.939	10.985	10	Lot 2	200.1	42.5	42
5 / DP582299	134.1	35.025	35	Lot 3	260	62.3	62
4 / DP737440	90.82	24.205	24	Lot 4 (Existing)	90.82	24.205	24
1 / DP390311	162.27	42.068	42	Lot 5	42.2	12.05	12
35 / DP755714	30.7561	9.1890	9	Lot 6	210	54	54
20 / DP755714	177.25	45.813	45	Lot 7	154	40	40
33 / DP755714	9.9047	N/A	0	Lot 8	194	50	50
2 / DP611556	122.4	32.1	32	Lot 9	210	54	54
34 / DP755714	47.04	13.26	13	Lot 10	175	45.25	45
1 / DP611556	5.075	N/A	0	Lot 11	40	11.5	9
2 / DP582300	71.71	19.428	19				
31 / DP755714	89.031	23.758	23				
32 / DP755714	125.453	32.863	32				
22 / DP755714	46.5388	13.135	13				
19 / DP755714	48.5623	13.641	13				
8 / DP755714	16.187	5.547	5				
11 / DP1194471	126.6	33.15	33				
2 / DP1148316	81.51	21.878	21				
1 / DP1183098	3.023	N/A	0				
2 / DP1235488	0.04	N/A	0				
Total Lots	21	Area	1584ha	Total Lots	11	Area	1584ha
Dwellings achievable (excl. Village lot)			410	Dwellings achievable (excl. Village lot)			392

4.2.4 Neighbourhood Management Strategy

Nightcap on Minjungbul RLSCs are an intentional and private community development and managed under the Neighbourhood Management Strategy and relevant by-laws (draft versions of which accompany this report in **Appendix N**). Community Facilities are to be maintained on private land and generally for the shareholders/Nightcap community members and their visitors/guests. That said, commercial/public (subservient) use of community facilities (such as private hires, community markets, open days, events) will act to provide promotion, education, employment, funding and social sustainability opportunities and may be open to the wider community in accordance with relevant permits and planning as required.

The RLSCs community management will be through registration of 88B covenants (for easements and overarching controls), Neighbourhood Management Plans (NMPs) and under development of the Neighbourhood Management Statement (NMS) for the site. The draft NMS and governance structure advices are provided for preliminary consideration in **Appendix N** and is a living document being developed by NCV Enterprises in consultation and partnership with shareholders, community parties, legal advisors, and stakeholders. The concept does not seek endorsement of the draft NMP or management strategy, with final NMPs to accompany the future DA stages. These individual stages will confirm dwelling plots, association property, neighbourhood property, etc. as prescribed under the *Community Land Development Regulation 2018*.

The NMS and NMPs are being prepared in accordance with the *Community Land Development Act 1989, Community Land Management Act 1989, Community Land Development Regulation 2018,* and *Community Land Management Regulation 2018*.

4.2.5 Statement of Commitments

This Concept DA also sets out the commitments made by the applicant to minimise and manage potential impacts arising from the development. This demonstrates NCV Enterprises commitment to considering and achieving the guidelines and framework outlined through detailed site investigations and in preparation of the Concept Plan.

The Statement of Commitments references the key strategies, supporting reports, framework and direction of the future RLSCs and planning approval processes and remains a living document, until executed, to facilitate discussion between the Applicant, Council and the community.

A Statement of Commitments is provided as **Appendix O**.

4.2.6 Staging

The staging has considered both the overall roll out of the Concept Plan and the natural progression of RLSCs which

1. establish the framework, then
2. release dwelling plots, and subsequently
3. constructs dwellings, in an ongoing and progressive manner.

In addition, this release of plots and construction of dwellings typically occurs over longer periods of time than standard residential subdivision. RLSCs seek to secure maximum (up to) dwelling plot numbers first, while the release of these is more natural and on demand/interest for the sustainable lifestyle and community growth.

As such, the staging considers access, community services and the creation of master allotments as among the key first steps in delivering the vision for the site (Stages 1 & 2). This Concept Development Proposal provides the staging, management and planning framework to then investigate and define individual dwelling plots for release to shareholders and under the guide of the Community Management Committee. On individual plot release, shareholders (dwelling plot owners) will then undertake approval/ planning processes to establish their respective dwellings. The staging of the proposal, through to the release of plots, is outlined in **Table 13** below, defining key outputs/studies and works required at respective stages.

A further breakdown of Stages 3-11 defining RLSC plot provision at these stages is illustrated below and within the Staging Plan in **Appendix A2**.

RLSC Stages 3-11 detail					
Stage	Location	Max Dwelling numbers	Stage	Location	Max Dwelling numbers
3	Lot 2	36	8	Lot 8	50
4	Lot 3	62	9	Lot 9	54
5	Lot 5	18	10	Lot 10	45
6	Lot 6	54	11	Lot 4	24
7	Lot 7	40	12	Lot 11	9

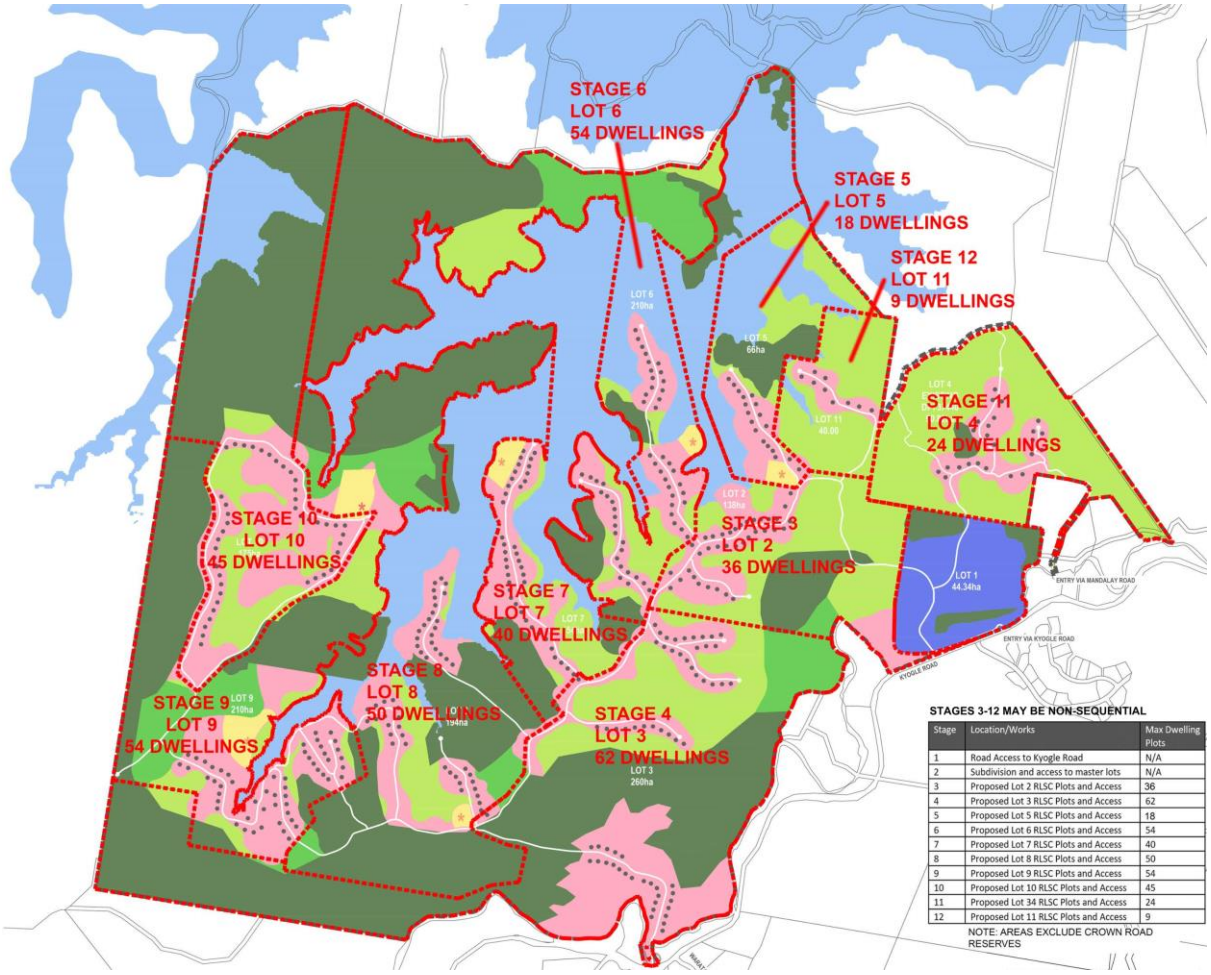

STAGE 6
LOT 6
54 DWELLINGS
STAGE 5
LOT 5
18 DWELLINGS
STAGE 12
LOT 11
9 DWELLINGS
STAGE 11
LOT 4
24 DWELLINGS
STAGE 10
LOT 10
45 DWELLINGS
STAGE 3
LOT 2
36 DWELLINGS
STAGE 7
LOT 7
40 DWELLINGS
STAGE 8
LOT 8
50 DWELLINGS
STAGE 9
LOT 9
54 DWELLINGS
STAGE 4
LOT 3
62 DWELLINGS
STAGES 3-12 MAY BE NON-SEQUENTIAL
Stage | Location/Works | Max Dwelling Plots
1 | Road Access to Kyogle Road | N/A
2 | Subdivision and access to master lots | N/A
3 | Proposed Lot 2 RLSC Plots and Access | 36
4 | Proposed Lot 3 RLSC Plots and Access | 62
5 | Proposed Lot 5 RLSC Plots and Access | 18
6 | Proposed Lot 6 RLSC Plots and Access | 54
7 | Proposed Lot 7 RLSC Plots and Access | 40
8 | Proposed Lot 8 RLSC Plots and Access | 50
9 | Proposed Lot 9 RLSC Plots and Access | 54
10 | Proposed Lot 10 RLSC Plots and Access | 45
11 | Proposed Lot 34 RLSC Plots and Access | 24
12 | Proposed Lot 11 RLSC Plots and Access | 9
NOTE: AREAS EXCLUDE CROWN ROAD RESERVES

Figure 37 – Development Staging Plan

Table 13 – Development Staging

Stage	Development	Stage Description	Outputs/Studies	Infrastructure/Works
Concept	Conceptual Subdivision and Rural Land Sharing Communities (RLSCs)	Conceptual use of site and provides overarching studies and guidelines for subsequent stages.	All conceptual plans and overarching studies including: • Concept Plan, Development Matrix and staging • Draft Architectural Design Guidelines Economic Need • Ecological • Aboriginal Cultural Heritage • Bushfire Management • Geotechnical • Visual Impact • Engineering (Civil, traffic, sewer, water etc) • Draft Neighbourhood Management Statement	Conceptual only. No works proposed.
Stage 1	Associated works and earthworks	Upgrade and seal private road access to Kyogle Road (opposite Mebbin Drive)	• Civil Engineering detail • Ecological Impact Assessment	• Earthworks • Minor vegetation removal • Upgrade and seal internal access to Kyogle Road (opposite Mebbin Drive) • Site construction office/storage area
Future Stage 2	*Subdivision and Essential Services*	*Amalgamating lot numbers and establishing essential service infrastructure*	• *Subdivision Plan* • *Neighbourhood Management Statement* • *Essential Services Provision Strategy* • *Site Waste Management Strategy* • *Civil Engineering Design*	• *Earthworks* • *Vegetation removal/protection/regeneration* • *Associated works and upgrade to internal access* • *Servicing strategy (i.e. Essential services, waste, resource recovery, recycled water, etc.)*
Future Stages 3-12	*RLSCs and associated works*	*Identify specific dwelling plots and detailed studies on plot and locational specifics*	• *All detailed design and site studies to determine dwelling plot position, design and max. provision* *Stage 3 – 36x plots* *Stage 4 – 62 x plots* *Stage 5 – 18 x plots* *Stage 6 – 54 x plots* *Stage 7 – 40 x plots* *Stage 8 – 50 x plots* *Stage 9 – 54 x plots* *Stage 10 – 45 x plots* *Stage 11 – 24 x plots* *Stage 12 – 9 x plots*	• *Community infrastructure (community facilities, roads, services, etc)* • *Plot preparation and connection* • *Vegetation removal/protection/regeneration*

4.3 Stage 1 Deliverables

This DA incorporates a detailed proposal for the first stage of development, being the upgrade to the existing private road off Kyogle Road (opposite Mebbin Drive) internal of the site.

4.3.1 Existing Private Road / Intersection

The existing intersection provides a formalised access/egress point to the site which is sealed bitumen. Of note, the stretch of Kyogle Road fronting the site was resealed by Council in mid 2020. Within 20m of the Kyogle Road turnoff (internal of the site) this sealed road access transitions to compacted gravel. This intersection head is representative of a public road though only functions for the site access and egress. The existing access is 6m wide at the intersection and immediately transitions to a 3.5m wide one-way internal road reflective of a rural access way.

Figure 38 – Existing access arrangement

Access to the site is 20m west of the opposite Mebbin Drive intersection and provides a shared straight and right hand in turning lane for west bound traffic. Left hand in for east bound traffic is from the existing lane, which is widened to also allow passing of vehicles right hand in turning to Mebbin Drive. Kyogle Road is generally 6m wide carriageway (2x lane) widening up to 12m as it passes the Mebbin Drive/site entry points (4x lanes being turning and passing lanes in each direction).

Kyogle Road is a Council owned regional road with a sign posted speed limit of 80km/h past the entirety of the site. Kyogle Road functions as a sub-arterial road that links Murwillumbah in the north-east and Kyogle south-west.

4.3.2 Proposed private road sealing

The extent of private road works and earthworks proposed under Stage 1 is illustrated below and set out in detail within the **Appendix A** plan set.

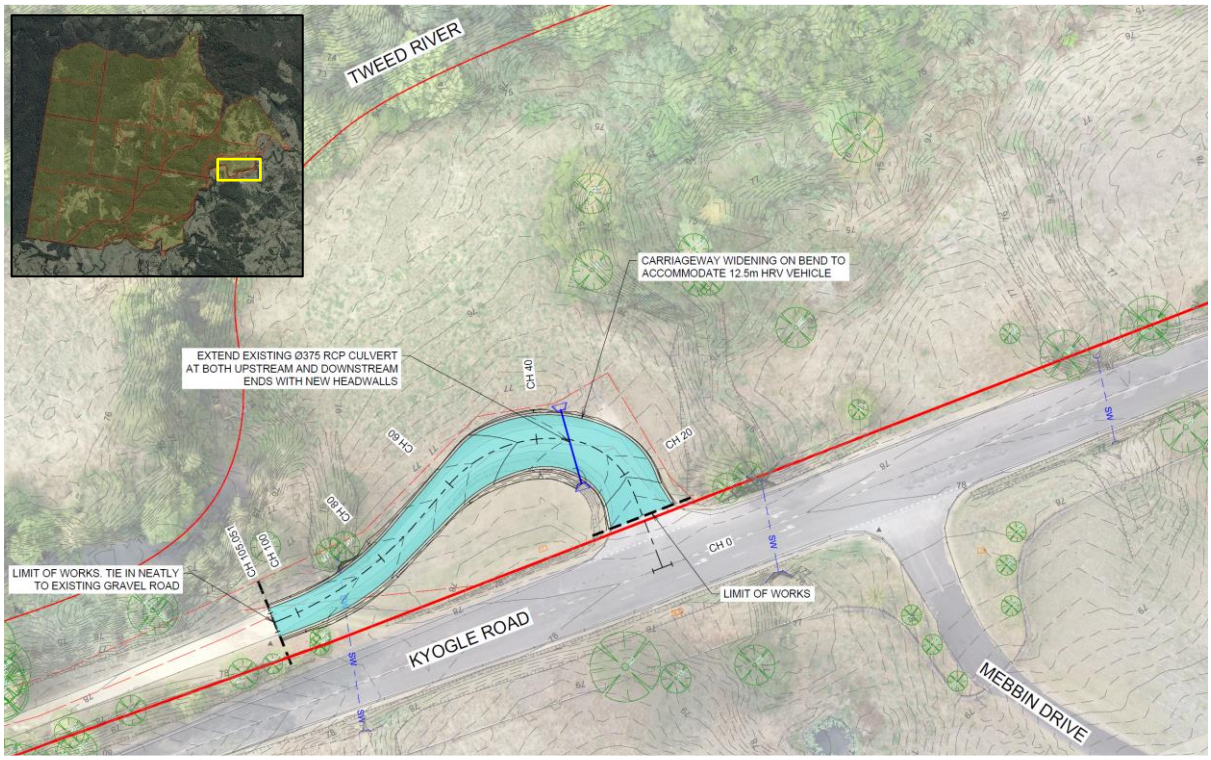

TWEED RIVER
CARRIAGEWAY WIDENING ON BEND TO ACCOMMODATE 12.5m HRV VEHICLE
EXTEND EXISTING Ø375 RCP CULVERT AT BOTH UPSTREAM AND DOWNSTREAM ENDS WITH NEW HEADWALLS
CH 40
CH 60
CH 80
CH 100
CH 105.651
CH 20
CH 0
LIMIT OF WORKS. TIE IN NEATLY TO EXISTING GRAVEL ROAD
LIMIT OF WORKS
KYOGLE ROAD
MEBBIN DRIVE

Figure 39 – Extent of Stage 1 private road upgrades and earthworks and Location (inset)

Stage 1 works proposes an approximate 75m extension to the current sealed internal road which was recently upgraded by Council within the sites bounds in mid 2020. Stage 1 works will be contained within the site bounds and involves extending from the newly sealed section (approx. 20m) with an additional 75m stretch of widening, sealing and grading of the internal private road for improved access and to facilitate the RLSCs. The extent of sealing is not directly related to a hardstand area, carport or garage and exceeds 150m^2 requirement to be considered exempt works, and as this is associated with the RLSC is being sought through Stage 1 DA approval.

The Concept and Stage 1 works do not alter or relocate the access point or exceed the operating capacity of the existing intersection. As such, intersection upgrades are not sought under the concept and any such requirement would be considered under separate Village or future RLSC DA processes and investigations.

Detailed analysis has been undertaken by Bitzios Consulting and is provided for consideration in **Appendix K**.

4.3.3 Earthworks & Vegetation Removal

Stage 1 requires general site preparation, cut and fill to ensure suitable transition between the site levels and existing internal road levels. These are detailed within the long section and typical cross sections within the detailed engineering design in **Appendix A5**.

The proposal requires a 0.182m cut depth at the Kyogle Road connection and maximum 0.1m fill depth as the road is widened to improve access. Fill will be sourced from within the site as suitable, with opportunity (as needed) to source this from outside the site. In this regard a standard condition of consent would be envisioned relating to any imported fill.

Removal of trees within the stage 1 works area is not anticipated. Irrespective, trees in the vicinity are generally dispersed and segregated ensuring minimal ecological impact and ample opportunity for offset planting to occur at the entry statement to the site.

4.3.4 Services / Stormwater

Stage 1 will include stormwater culvert, headwall and piping to maintain existing stormwater flows through piped, directed and overland means. Marginal increase in stormwater volume due to the small increase in impervious sealed road is anticipated from the Stage 1 works. These are easily assimilated within the existing overland flow arrangement. Telecommunication services are not yet required to be run along the private road alignment, though such services will form latter DA stages pending future connection for the site.

4.3.5 Site Construction Office / Storage

Stage 1 will include the placement of temporary structures for site construction office/storage in an accessible, cleared and suitable location west of the proposed Stage 1 works area (refer to **Figure 39**. The site construction office/storage area is level, historically cleared (plantation) and accessible (by existing tracks). This area is sufficient in size to accommodate minor temporary structures (such as portable toilets, demountable office, storage containers, worker parking and set down of machinery and materials) with no additional clearing or works being required. This portion is not visible from the public realm, ensuring minimal amenity impact and increased security of equipment and machinery through construction. The specific layout and location of this will be provided prior to issuing of the construction certificate. This portion of the site has been tested and deemed suitable as Developable Area and capable of accommodating potential dwelling plots in the future. This ensures minimal impact would be associated with the temporary use of this area for a site construction office and storage area.

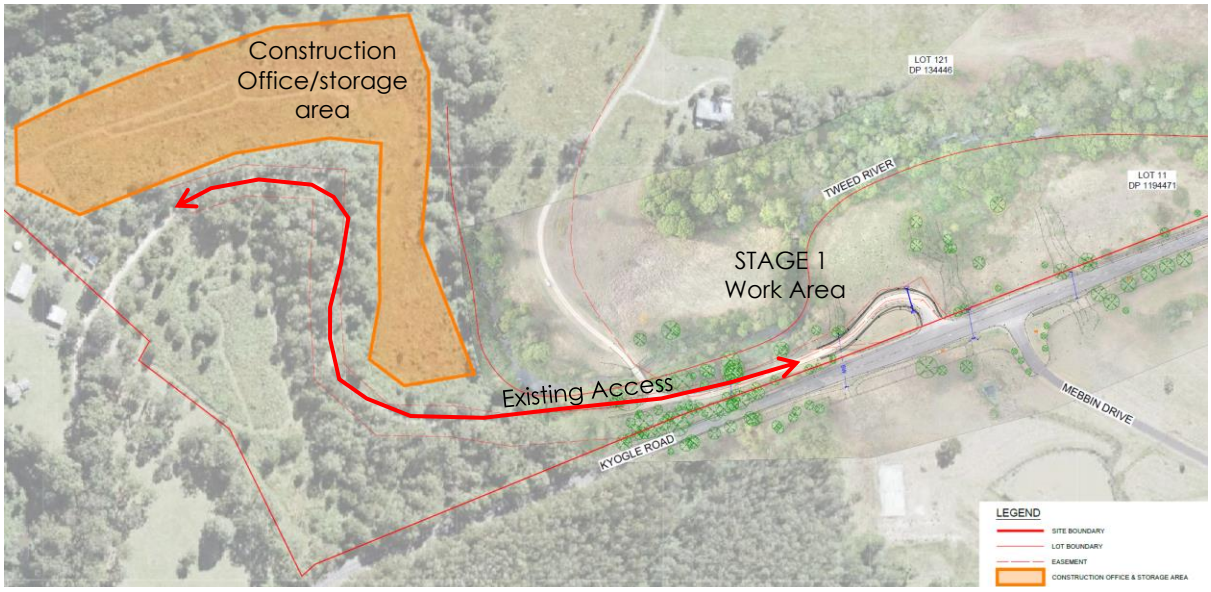


Figure 40 – Site Construction office/storage area

5 Assessment – Strategic Planning Framework

The subject DA has been prepared conscious of the comprehensive suite of strategic planning framework, not only to encompass the benefits of a strategic-led approach, but also in acknowledgement of the unique land use outcome and scale of the proposal.

RLSCs specifically do not involve subdivision to facilitate multiple owners and is enabled through the State Environmental Planning Policy framework. Accordingly, the proposal is not formally subject to many of the strategic and 'plan-making' policies prepared by NSW State Government and Tweed Shire Council, as presented within this section; nor is the proposal considered 'unplanned'. Whilst this concept proposal will be followed by a number of further Development Applications which will analyse and test the environmental considerations to facilitate the physical development outcomes, it was deemed critical to consider the strategic outcome/s at the concept phase.

This concept DA effectively gives rise to the augmentation of the existing, planned, Nightcap Village, by increasing its potential population by between 750 – 1,000 people within a 'hamlet' settlement format. This outcome supports synergies between the Nightcap Village and surrounding RLSCs, both in terms of housing and lifestyle choice, as well as the provision of commercial and social infrastructure.

Flanking rural villages with rural lifestyle/living opportunities reflects desired practice as advocated within general town planning practice, as well as the North Coast Settlement Planning Guidelines 2019. Whilst the proposal seeks to achieve this outcome through an 'unconventional' development format, the rural land sharing land use holds strong merit, is facilitated through the NSW planning framework, provides advantages in its own right and aligns with the vision and goals held for the site.

5.1 North Coast Regional Plan 2036

The North Coast Regional Plan 2036 (NCRP) establishes the vision for the North Coast to be 'the best region in Australia to live, work and play thanks to its spectacular environment and vibrant communities'. This vision is supported through goals, directions and actions which are primarily focussed to strategic, plan-making processes. The proposal is not considered to be inconsistent with the NCRP, rather, supports a number of its key directions including:

- **Delivering environmentally sustainable growth** – The proposal responds to the site's constraints through identifying, avoiding and managing vulnerable areas and hazards. Further, the proposal includes significant environmental uplift and is compatible with the Growth Management and Land Release Criteria provisions of the North Coast Settlement Planning Guidelines 2019 (see further discussion below). The proposal does not constitute 'unplanned' development as it is enabled through the State Environmental Planning Policy framework, which has been in place under various policy documents for several decades, likewise, the proposal is not reflective of 'urban development'. Accordingly, whilst the proposal does not occur within a mapped urban growth area, the proposal does not undermine the action to focus future urban development to mapped growth areas. The proposal is considered to compliment this overarching strategy with housing diversity that celebrates a rural setting without fragmenting the land or sterilising rural pursuits.

- **Strengthen Communities of Interest** – The proposal is located at a midpoint between the Tweed and Lismore Regional Cities, as well as within close proximity to Uki and Kyogle townships. Whilst geographically distant, the site is well within typical commuting distances to each centre, which provide higher-order health, education, retail and commercial services. The site's scale and position will accelerate the provision of the Nightcap Village, and in turn support a stronger

network of cities and centres, through provision of services and places of interest within strengthening tourist routes.

- **Protect and enhance productive lands** – The proposal avoids Important Farmland and does not sterilise suitable rural pursuits on the site.

- **Develop healthy, safe, socially engaged and well-connected communities** – The proposal provides a contextual response to the site and is consistent with both the North Coast Urban Design Guidelines and draft Urban Design Guideline for Regional Areas. The proposal is inclusive and is appropriately matched with social infrastructure.

- **Great housing choice and lifestyle options** – The proposal delivers greater housing supply, making a positive contribution towards the housing targets established for the Tweed LGA. The proposal also increases housing diversity and choice within the LGA, both through offering an alternative tenure option, as well as promoting residential opportunities outside of the sensitive coastal strip.

The proposed development is consistent with the Regional Plan. Further review of the strategic outcome of the proposal and relation to the regional plan can be found in the Economic Need Assessment in **Appendix B**.

5.2 Tweed Local Strategic Planning Statement

Prepared with a strong alignment to the structure and content of the NCRP, the Tweed Local Strategic Planning Statement (LSPS) details the following vision:

- *In 2040, the Tweed's vibrant urban, coastal and rural communities will be recognised for adapting to the challenges of climate change and population growth in a way that protects and enhances our internationally significant natural environment, maintains a highly desirable lifestyle, and supports a thriving local economy.*

The LSPS details the coastal concentration of growth adjacent to existing urban areas may lead to lower population growth and demand for development in some of the Tweed's rural areas. This proposal is considered to make a positive contribution towards housing opportunity outside the fragile coastal strip while still protecting Tweed's unique environment, landscape qualities and distinctive local character.

Like the NCRP, the proposal is not considered to be inconsistent, rather, supports a number of the planning priority's and actions detailed, particularly:

- *Cultivate a desirable lifestyle choice with a strong sense of community, diverse places for people to live, feel safe and connected to nature.* The proposal provides diversity of lifestyle choice within a broader growth area, which will increasingly focus on urban housing and multi-dwelling outcomes. The proposal celebrates its position immediately adjoining a future low scale rural village and provides a distinct rural lifestyle community that embraces the sites qualities.

Planning Priorities 10 (Ensure productive agricultural land is protected), 15 (Deliver housing supply) and 16 (Promote housing that is affordable, diverse, adaptive and well located) are also achieved, as detailed within the previous NCRP discussion. Ultimately, our assessment finds the proposal provides a number of the key themes which underpin the 2040 vision, including:

- Adaptable and diverse housing choice and affordability
- Unique local character, vibrant community places and enviable lifestyle
- Safe, welcoming, liveable and connected communities
- Natural hazard and climate change resilience
- Safe and accessible transport options and regional connectivity

- Stunning, biologically diverse and protected natural ecosystems
- Production lands protected for agricultural purposes

5.3 Tweed Urban and Employment Land Release Strategy 2009

The Tweed Urban and Employment Land Release Strategy 2009 (TUELRS) examines growth options that guide Tweed Shire's population increase towards 2031. The TUELRS details a sieve mapping process which identifies additional land for potential urban, greenfield purposes, considers their capacity, applies planning considerations regarding location and access to social infrastructure and the like, then reconciles, at a high-level, these greenfield areas with growth projections and capacity within existing zones.

The subject site and proposal are not affected by the TUELRS as commentary is not directed at housing capacity within non-urban areas not identified for potential land release. This is largely because the existing rural landscape does not have the capacity to satisfy Tweed's growth forecasts and plays a minor role in housing Tweed's population (i.e. the TUELRS cites approximately 12 – 15% of the Tweed's population resides in the rural environment). Notwithstanding, the immediately adjoining Nightcap Village site is identified within the TUELRS, specifically it's role to deliver a population of 750 – 1,200 within Tweed's broader urban zoning capacity. Again, the subject proposal seeks to create a symbiotic relationship with the future Nightcap Village, ensuring an integrated small village and hamlet outcome with appropriate social and cultural infrastructure.

5.4 Tweed Community Strategic Plan 2017-2027

The Tweed Community Strategic Plan 2017-2017 (CSP) establishes a vision that 'the Tweed will be recognised for its desirable lifestyle, strong community, unique character and environment and the opportunities its residents enjoy.' To achieve the vision, a number of guiding principles, goals, strategies and targets are provided.

The proposal is considered to support the delivery of the Tweed Community Strategic Plan 2017 - 2027 (CSP), specifically the provisions of:

- **1.2 Asset protection** – Through the site analysis and dwelling opportunity process, the proposal upholds Council's target that no increase in the number of properties affected by over-floor flooding
- **1.4 Managing community growth** – The proposal provides an increase in the supply and choice of housing to cater for future growth
- **3.1 People** – Through increasing the population within their catchment, the proposal will encourage increased use of Council's community buildings and facilities. This is of particular value to those located within the rural hinterland, such as the Uki Museum, Kunghur Hall and Community Preschool.
- **3.2 Places** – Through increasing the population within their catchment, the proposal will encourage an increased use of sporting and recreation facilities. This is of particular value to the emerging mountain bike park proposal and Integrated Recreation Trail Network opportunity, as well as the existing Uki Sports Association.

5.5 North Coast Settlement Planning Guidelines 2019

To support Council's preparing their Local Growth Management Strategies and Local Strategic Planning Statements, the Northern Region of NSW Department of Planning, Industry and Environment has prepared the North Coast Settlement Planning Guidelines 2019 (Settlement Planning Guidelines). Containing growth management principles and land release criteria, the Settlement Planning Guidelines assist

ensuring suitable and sustainable settlement outcomes that accommodate the population projected for the North Coast holistically, as well as each LGA.

Whilst the Settlement Planning Guidelines apply to 'urban' development, including residential, employment and some tourist development, the proposal has been considered against the large lot residential placement principles given the potential density is akin to a low-density rural living outcome. The principles detailed within the Settlement Planning Guidelines include:

- *New large lot residential release areas are to have a direct relationship with a town or village or be clustered with existing large lot residential land to achieve a more resilient community and efficient provision of infrastructure and services.*
- *Fragmented large lot residential development across rural areas will not be supported.*
- *Future large lot residential development should be located close to existing centres and away from areas that may in the future be needed for urban expansion of those centres.*

Again, the proposal does not involve large lot residential, however given the ultimate density of the proposal and that large lot residential generally involves housing at a rate of 1x 4,000 – 20,000m^2, these provisions have been considered. The Nightcap RLSC achieves a housing rate of approximately 1x 40,000m^2 when considering the entirety of the land area and 1x 8,000m^2 specifically in relation to the Developable Area and hamlets in which these will establish. The proposal possesses a direct relationship with the Nightcap village site and does not hold site capabilities to be considered as a future urban expansion site. The proposal is of a scale to generate resilient community and infrastructure outcomes as a stand-alone proposal, however, will be further supported and complimented through the future provision of Nightcap Village. Combining with the existing Mebbin Drive development, the proposal provides an innovative and appropriate transition between urban land and surrounding rural landscape, as well as providing rural lifestyle options. Accordingly, the proposal is considered to uphold the planning principles established within the Settlement Planning Guidelines.

5.6 Tweed Rural Villages Strategy 2016

The Tweed Rural Villages Strategy 2016 (RVS) details a vision that 'Tweed's rural villages and settlements will thrive as unique, desirable places to live in.' To achieve the vision, the RVS establishes the following strategic goals:

1. Ensure that the future of the rural villages and settlements is based on environmental, social and economic resilience and sustainability.
2. Identify initiatives and opportunities based on key assets of the rural villages: their people, culture and nature.
3. Provide actions aimed at establishing Tweed's rural villages as creative hubs, known not only for crafts and arts, but also for entrepreneurship.
4. Ensure that future development occurring in the rural settlements provides a variety of housing choice for existing and future needs and is consistent with community's visions and aspirations and is based on principles that strengthen Tweed's role as a proactive, inspirational leader in sustainability.
5. Establish a long-term strategic planning framework for the rural villages.

The RVS does not directly apply to the site, likewise, acknowledges Kunghur as a smaller rural settlement, and accordingly does not provide strategic direction for this area.

Notwithstanding the above, the proposal has considered the region-wide initiatives detailed in the RVS, being:

- Development in harmony with nature - justifies the need to base any new development on a set of specific principles (regenerative development principles);

- Building on the assets - identifies actions aimed at the sustainable future of the region based on its key assets: nature, culture and people;
- Strengthening the economy - identifies actions aiming to promote entrepreneurship and assist existing and emerging small businesses;
- Planning principles - includes actions aimed at ensuring that the villages will maintain their role in the hierarchy of settlements

In this regard, the proposal is considered to understand its relationship to place, respond to its character and establishes a relationship between people and natural environment. The proposal involves significant environmental uplift and protects established vegetation, underpinning a regenerative development outcome while he proposal's ongoing governance structure supports partnering with place. Finally, the proposal will provide a platform for unique lifestyle, innovation and creativity within the rural landscape.

5.7 Tweed Rural Land Strategy 2020-2036

The Tweed Rural Land Strategy 2020 (RLS) details the vision that:

> *"Our rural lands will provide a balance of land uses where agricultural and rural activities exist in harmony with environmental and scenic values, rural character is enhanced, landowners supported, and employment opportunities encouraged through innovation, value-adding and diversification by a skilled and resilient community."*

To achieve this vision the RLS contains a number of policy directions, detailed below, along with supporting key actions:

- *Encourage agricultural production and protect agricultural land*
- *Protect and improve environmental values and respond to natural hazards*
- *Support economic development*
- *Grow rural tourism*
- *Greater diversity of rural housing*
- *Council requirements are transparent and planning procedures streamlined where possible*
- *An informed, connected and resilient community*
- *Promote more sustainable land use practices*
- *Extractive industries are protected, and land use conflict minimised*

The RLS does contain direct content relating to Rural Land Sharing Communities, acknowledging their presence in the LGA, and prescribing actions to investigate the inclusion of local provisions within the TLEP 2014 to further foster this land use into the future.

The subject proposal is considered to embody the intent of the RLS, particularly by providing opportunities for additional dwellings in the RU2 Rural Landscape zone, specifically given:

- Subdivision is not proposed,
- Minimal impacts on services and infrastructure and anticipated as the proposal involves water, wastewater and social infrastructure independent of Council, and connection to existing telecommunication and electricity infrastructure is available via Kyogle Road.
- Adverse impact on scenic amenity or landscape character has been tested through a Visual Impact Assessment and mitigated through site analysis and dwelling opportunity placements.
- Land use conflict has been mitigated through site analysis and separation between potential sources of conflict and sensitive receivers.
- No reduction of the area of productive or potentially productive agricultural land will occur as a result of the proposal.

Likewise, the proposal does not pursue an overall density which is out of character with the existing Tweed rural landscape. In this regard, the RLS identifies that 48% of all RU2 allotments in the LGA are less than 3 hectares and 67% less than 10 hectares. Further, through our investigations into the locale's context and setting, a diversity of lot sizes can be observed, with lots fronting Mebbin Drive being 0.4ha in size, properties of Mount Burrell Road generally 2ha, Kyogle Road hosting a variety of lot sizes, and a small number of farms of land well in excess of 40ha. The proposed density of 1x dwelling per 4 hectares, largely mirrors the Tweed LGAs highest percentage of lot size within the RU2 zone, being 1x dwelling per 2 – 2.9ha (18% of RU2 allotments), however enables the land to be held in a consolidated format and managed in a collective, unfragmented, manner.

Importantly, the proposal has considered the matters in relation to 'purchase and sale' as discussed within the RLS. The applicant has been working proactively with its legal team and shareholders in preparation of draft Community Management Statements, Neighbourhood Management Plans and Strategy as well as contracts, shareholder agreements and the like, which specifically address ownership rights, responsibilities, funding and dispute resolution. Purchasing affords opportunities for community members to offset purchase prices, vendor finance and considers social and community benefit in pricing and plot provision (where community benefit, works and services may better offset monetary purchase). There are 2x main mechanisms for sale of lots, which are ability for private sale to interested parties, as well as avenues for community 'buy back' of plots. There has also been investigation into 'partial buy back' allowing the community to access invested money in certain circumstances (such as financial hardship, community interest or investment). These continue to be worked through, draft iterations have been made available for consideration.

5.8 Draft Tweed Shire Council Affordable, Attainable and Appropriate Housing Policy Statement

In responding to the Tweed LGAs identification as one of the least affordable housing markets for middle-income households, Tweed Shire Council have prepared the draft Affordable, Attainable and Appropriate Housing Policy Statement (AAAHP). The AAAHP commits to working in partnership in 'addressing affordable, attainable and appropriate housing particularly for those most in need, providing current and future residents with choice, opportunity and the ability to participate meaningfully in community life.'

Similar to the provisions of the State Environmental Planning Policy (Primary Production and Rural Development) 2019, the AAAHP seeks to create housing outcomes that:

- Address the housing needs of low to moderate income residents
- Are well managed and maintained and not subject to trade-offs in relation to quality, accessibility, security of tenure and/or proximity to critical infrastructure and services
- Encourage diversity and increase in supply of housing options in a variety of locations for the benefit of current and future low to moderate income residents.
- Provide diversity in dwelling types and housing designs that are adaptable and accessible to meet the needs of all current and future residents of the municipality.
- Promote sustainability in design and built form to assist in supporting residents' ability to meet ongoing costs of living associated with running a house.

Tweed Shire Council has also engaged in a proactive project to tackle housing affordability, being the Wardrop Community Village Project (the Wardrop Project). Specifically, the Wardrop Project seeks to investigate the potential of Council undertaking a financially and environmentally sustainable development to respond to the urgent need for more low-cost and affordable rental housing in the region. The vision is for the village to accommodate a mix of affordable housing tenants (including those on social and affordable housing waitlists), down-sizers and people looking to live a more sustainable life.

Like the site selection process for the Wardrop Valley, the subject site benefits from natural beauty with panoramic views. The site features rolling hills with distinct ridges and valleys and acts as a green buffer between the site, Kyogle Road and the future Nightcap Village area. The proposal, through its considered dwelling opportunity selection process and environmental uplift, will act as a transition from the Village area and secure ongoing management of this special character into the future. The development of the Nightcap Village would be accompanied by the provision of retail and commercial enterprise. In turn, these services will drive social, community and economic benefits, as well as being recipients of additional housing opportunities within their core catchment area.

As touched on in Section 5.7, the proposal considers and employs several purchase and sale mechanisms to make purchasing within the RLSCs more affordable and safeguard community investment. This includes offset purchase prices, vendor finance, social and community benefit in pricing and plot provision and even considers up to 10% of plots to be gifted in unique circumstances (such as plots to be made available for aboriginal community cultural purposes and to tribal members). Similarly, avenues for community 'buy back' of plots and 'partial buy back' will allow community to access invested money in certain circumstances (such as financial hardship, community interest or investment). While these do not conclusively service the proposal as 'affordable housing', they do make for a unique residential housing option and more affordable/attainable product.

6 Assessment – Statutory Planning Framework

6.1 Approvals Sought

Approval is sought for a Concept DA for Rural Land Sharing Communities and including Stage 1 private road access and earthworks to facilitate the RLSCs. The concept identifies future stages of development including subdivision to facilitate the multiple RLSCs' aspirations. In accordance with Section 4.22 of the Act, the Applicant requests the development application to be considered as a Concept DA.

This SEE, along with the supporting documentation, addresses the heads of consideration listed under Section 4.15 of the Act as relevant to the proposed development in accordance with Clause 2(1)(c) & 4 of Schedule 1 of the *Environmental Planning & Assessment Regulation 2000* (the Regulation).

The proposal includes a Stage 1 DA being the associated private road access and earthworks to facilitate the RLSCs access to Kyogle Road (opposite Mebbin Drive). This does not include any works external of the site boundary and cannot be considered exempt development as it is not specifically related to a hardstand area, carport or garage and due to the size of the area to be sealed. Hence development consent is sought for the private road works associated with facilitating the RLSCs.

6.2 Public Notification

Pursuant to the Tweed Community Engagement and Participation Plan 2019-2024, RLSCs are not specifically prescribed within the C2 Land Use Notification tables. Notwithstanding, Council enjoys discretion to advertise, notify or not notify any development and in light of the unique nature of the land use and proposal, it is expected that the proposal will be advertised and notified. Further, and having regard to Council's adopted 'Engagement and Participation Matrix', the proposal is anticipated to reflect a 'Level 3' project and require an 'inform and consult' engagement method through the International Association of Public Participation (IAP2) framework.

In light of the abovementioned project particulars, a Community Engagement Strategy has been developed for the Development Application and will be instigated upon formal lodgement of the Development Application by Council. Proposed community engagement activities include:

- Project Fact Sheets – including a development of a description of the proposal and list of frequently asked questions, to be distributed online, through publicly accessible and frequented spaces within Uki and integrated with Council's notification process (subject to Tweed Shire Council agreement).
- Subject to timing of COVID-19 restrictions, facilitation of a static display within Uki comprising basic information regarding the proposal and contact details.
- Subject to timing of COVID-19 restrictions, guided tours of the site for Tweed Shire Councillors and technical officers
- Subject to timing of COVID-19 restrictions, availability of specialist staff to co-facilitate additional public engagement Council seeks to pursue beyond the typical advertisement and notification processes.
- Subject to timing of COVID-19 restrictions, seek a workshop with the Councillors to discuss the proposal and confirm the CES being implemented.

To enable a coordinated and coherent community engagement process, we politely request discussion with Council's assessing officers on this matter upon formal lodgement of the application. Further, any applicable fees for notification or advertising will be paid upon receipt of Council advice and invoice, likewise, a copy of any submissions received is cordially requested.

6.3 Consent Authority

State Environmental Planning Policy (State and Regional Development) 2011 requires an assessment as to whether this development authorises the Northern Regional Planning Panel (NRPP) to exercise consent authority functions of Council. It is identified that the proposal does require determination by the NRPP. The relevant Schedule 7 triggers are identified below:

Table 14 – Assessment of SEPP Schedule 7 Triggers

Relevant SEPP Triggers		
Schedule 7	**Trigger**	**Comment**
General development over $30 million	Development that has a capital investment value of more than $30 million.	The proposed development does have a capital investment value of more than $30 million. As such the proposal will require assessment by the NRPP. A breakdown of the civil construction cost estimate is attached to Council's DA application form.
Private infrastructure and community facilities over $5 million	Development that has a capital investment values of more than $5 million for any of the following purposes: (a) Air transport facilities, electricity generating works, port facilities, infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource supply systems, water supply systems or wharf or boating facilities, (b) Affordable housing, childcare centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.	The proposed development will have a capital investment value greater than $5 million for private infrastructure facilities including roads, water, power, sewerage treatment and community facilities. As such the proposal will require assessment by the NRPP.

The proposal exceeds 2x of the trigger requirements of Schedule 7 of the *State Environmental Planning Policy (State and Regional Development)* and as such Tweed Shire Council will be the assessing authority with the NRPP as the determining Consent Authority.

6.4 Designated Development

Schedule 3 of the Regulations outlines the criteria for development which is classified as Designated Development.

The proposed development does not exceed the threshold criteria within Schedule 3 of the Regulations to be considered Designated Development.

6.5 Integrated Development

The proposal constitutes a Concept DA with physical Stage 1 private road access and earthworks to facilitate the RLSCs. Stage 1 works widens seals and grades an existing private road to facilitate the RLSCs

and limits works to within the site boundary. Therefore, no Section 138 approval under the *Roads Act 1993* is required. These works are located within 40m of a waterway and will require approval for a controlled activity through construction stages under the *Water Management Act 2000*. The proposal in this regard is identified as integrated development.

Further, it is understood the future DA stages of development may form integrated development, envisioned under the following:

- *Heritage Act 1977*
- *National Parks and Wildlife Act 1974*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Water Management Act 2000*

Considering the concept outcome for the site, the Applicant has undertaken preliminary investigations and consultation with relevant entities including, but not limited to, RFS and the Tweed Byron Local Aboriginal Land Council (TBLALC). The Applicant also welcomes referral to other relevant authorities at Council or the Panel's discretion, to facilitate consultation, negotiation and guidance of the Concept Plan and development outcomes for the site.

6.6 Environmental Planning and Assessment Act 1979

The proposal constitutes 'development' as defined by the Act.

6.7 Development Assessment Process

It is noted that in accordance with Section 4.22 the Applicant requests the proposal to be treated as a Concept DA. Pursuant to Part 4 of the Act the following assessment process applies to development applications:

> s4.15 In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:
> (a) the provisions of:
> (i) any environmental planning instrument, and
> (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
> (iii) any development control plan, and
> (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
> (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
> (v) any coastal zone management plan (within the meaning of the Act), that apply to the land to which the development application relates,
> (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
> (c) the suitability of the site for the development,
> (d) any submissions made in accordance with this Act or the regulations,
> (e) the public interest.

Further, Section 4.22 (5) states for Concept DA that:

> s4.22 (5) The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.

The proposal has adequately assessed the suitability of the site to accommodate the proposed development aspirations conceptually. The assessment provides significant detail and defines the proposed vision, strategy and intended outcome of the proposed 10x RLSCs. Localised and specific detail will form investigations of future development stages and considerations through subsequent Development Application and assessment. The concept lodgement allows the flexibility of the development to evolve through community, Council, State and regional consultation presenting a concept / masterplan framework and intention to steer future DA stages to an ultimate goal. Future assessment undertaken for the proposed development will continue to have regard to all relevant planning provisions and instruments as required above.

6.8 State Environmental Planning Policies

A detailed review of the State Environmental Planning Policies (SEPPs) has been undertaken and outlined below. The SEPPs identified in **bold** in the following table are discussed in the following sections detailing the level of consideration to the proposal.

Table 15 – Relevance of SEPPs

State Environmental Planning Policy	Applicability
Bushland in Urban Areas	Not Applicable
Caravan Parks	Not Applicable
Hazardous and Offensive Development	Not Applicable
Manufactured Home Estates	Not Applicable
Koala Habitat Protection	**Applicable**
Moore Park Showground	Not Applicable
Canal Estate Development	Not Applicable
Remediation of Land	**Applicable**
Advertising and Signage	Not Applicable
Design Quality of Residential Apartment Development	Not Applicable
Affordable Housing (Revised Schemes)	Not Applicable
Aboriginal Land	Not Applicable
Affordable Rental Housing	Not Applicable
Building Sustainability Index: BASIX	Not Applicable
Coastal Management	Not Applicable
Concurrences and Consents 2018	Not Applicable
Educational Establishments and Child Care Facilities	Not Applicable
Exempt and Complying Development Codes	Not Applicable
Gosford City Centre	Not Applicable
Housing for Seniors or People with a Disability	Not Applicable
Infrastructure	**Applicable**
Kosciuszko National Park—Alpine Resorts	Not Applicable
Kurnell Peninsula	Not Applicable
Mining, Petroleum Production and Extractive Industries	Not Applicable

Penrith Lakes Scheme	Not Applicable
Primary Production and Rural Development	**Applicable**
State and Regional Development	**Applicable**
State Significant Precincts	Not Applicable
Sydney Drinking Water Catchment	Not Applicable
Sydney Region Growth Centres	Not Applicable
Three Ports	Not Applicable
Urban Renewal	Not Applicable
Vegetation in Non-Rural Areas	Not Applicable
Western Sydney Employment Area	Not Applicable
Western Sydney Parklands	Not Applicable

6.8.1 State Environmental Planning Policy (Koala Habitat Protection) 2020

The objective of this policy is to 'encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas'. A new Koala SEPP came into effect in March 2020 and the Koala Habitat Protection Guidelines were finalised on 16 October 2020. These were rescinded in November 2020 and replaced with the SEPP (Koala Habitat Protection) 2020, which is effectively the previous SEPP 44.

Koalas have been recorded throughout the site. The site contains Koala habitat (Eucalypt Forests) with Koala Food Trees (i.e. Tallowwood, Grey Gum). Through the site studies, Koalas were noted to the far north-west and southern and north-eastern areas of the site. These locations have been identified to be retained, regenerated and protected through Biodiversity Stewardship Agreements proposed to include rehabilitation/replanting and management over a 20-year period and protected in perpetuity.

The future planting will contain koala feed trees (i.e. E. microcorys and E. propinqua) and other native species typically occurring within local eucalypt forests. The aim of restoring this area is to provide additional wet sclerophyll habitats within the site, provide additional koala foraging resources and 'filling in the gap' between retained environmental areas.

Impacts upon Koala habitat as a result of the proposal will be offset via the Biodiversity Offsets Scheme (BOS) through the retirement of credits. Details regarding this has been provided within the BDAR prepared for the proposal.

The proposed Stage 1 works do not remove any significant koala vegetation nor trigger the requirement of a Koala Plan of Management. As such, a Koala Plan of Management (KPoM) will be prepared at the first subdivision DA (Stage 2). The future KPoM will respond to relevant legislation as required and as in effect at the time.

Consideration and compliance with the SEPP is achieved for Stage 1 and will continue to be addressed for subsequent stages.

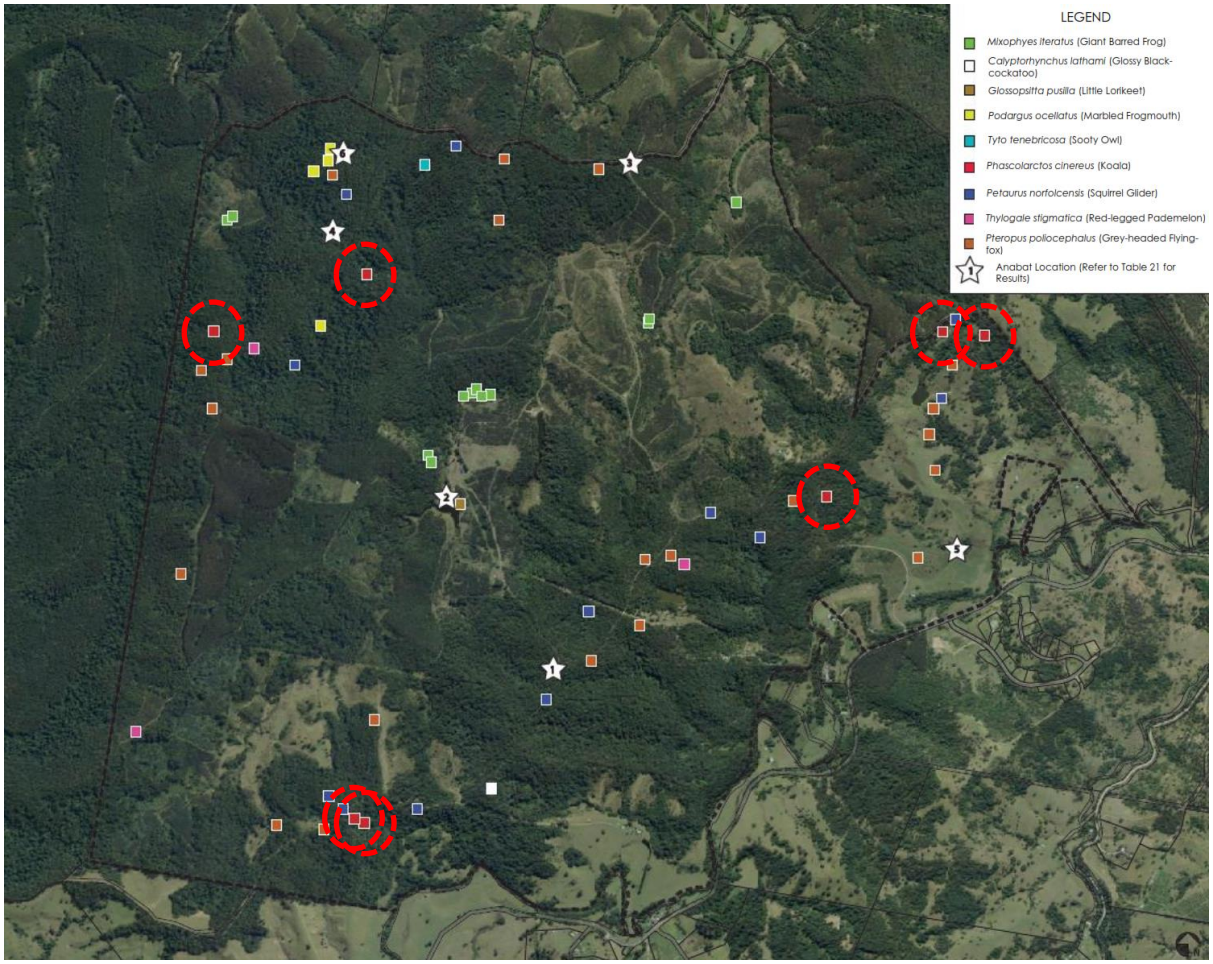

LEGEND
Mixophyes iteratus (Giant Barred Frog)
Calyptorhynchus lathami (Glossy Black-cockatoo)
Glossopsitta pusilla (Little Lorikeet)
Podargus ocellatus (Marbled Frogmouth)
Tyto tenebricosa (Sooty Owl)
Phascolarctos cinereus (Koala)
Petaurus norfolcensis (Squirrel Glider)
Thylogale stigmatica (Red-legged Pademelon)
Pteropus poliocephalus (Grey-headed Flying-fox)
Anabat Location (Refer to Table 21 for Results)

Figure 41 – Flora and Fauna Survey results (Koalas highlighted) (Source: Planit Consulting)

6.8.2 State Environmental Planning Policy 55 – Remediation of Land

The objective of this policy is to 'provide for a state-wide planning approach to the remediation of contaminated land'. In particular, the SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. A review of the Remediation of Land SEPP is provided below.

Table 16 – SEPP 55 Review

State Environmental Planning Policy No 55—Remediation of Land	
Requirement	**Comment**
7 Contamination and remediation to be considered in determining development application	
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The concept proposal has incorporated a preliminary investigation into the potential of contaminated land on the site. The report prepared by Precise Environmental addresses the first stages of requirements under SEPP 55 and identifies potential future studies to form site specific

State Environmental Planning Policy No 55—Remediation of Land	
Requirement	**Comment**
	investigations at subsequent stages of the development. The preliminary investigations do not identify any significant concerns in progressing the concept development of the site. The report notes that the development density can be met through either remediation and/or relocation or alteration of dwelling positions within the Developable Area. Please refer to the Preliminary Site Contamination Assessment prepared by Precise Environmental in **Appendix G**.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	Noted.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Noted.

Table 10 within **Appendix G** details all identified areas of potential concern which will form the framework for future contamination assessment works to continue addressing SEPP 55 – Remediation of Land. The preliminary investigations support the progression of the development through concept stage, with future investigations to address any potential contamination concerns at subsequent detailed DA stages.

6.8.3 State Environmental Planning Policy (Infrastructure) 2019

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State. It is noted that the concept nature of the proposal envisions 'off grid' dwellings and no requirement for 'public' based infrastructure or works (such as potable water, sewer or power). However, the scale of traffic generated by the potential 392x dwellings will require referral to Roads and Maritime Services (in accordance with the table in Schedule 3 of the SEPP). As such, Council will refer the application to RMS to facilitate discussion and consultation through the assessment process and guide the concept development outcome.

6.8.4 State Environmental Planning Policy (Primary Production and Rural Development) 2019

The aims of this policy are:

> (a) to facilitate the orderly economic use and development of lands for primary production,

(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
(e) to encourage sustainable agriculture, including sustainable aquaculture,
(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,
(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

The proposal seeks to establish multiple RLSCs made permissible under Schedule 5 of this SEPP. The SEPP recognises the importance of RLSCs in providing a diverse and affordable dwelling typology within rural areas and defines the parameters and considerations in establishing these. Schedule 5 permits RLSCs with consent under specific provisions and identifies the matters for consideration as well as specific aims of the schedule. Detailed review of this SEPP is provided in the following table.

Table 17 – Rural Development SEPP Schedule 5 review

State Environmental Planning Policy (Primary Production and Rural Development) 2019	
Schedule 5	
Requirement	**Comment**
Section 1 – Application of Schedule	The land forms part of the *Tweed Local Environmental Plan 2014* and as such Schedule 5 applies.
Section 2 – Aims of Schedule *This Schedule aims to encourage and facilitate the development of rural land sharing communities committed to environmentally sensitive and sustainable land use practices by:*	The proposal actively aims to encourage environmentally sensitive and sustainable dwelling lifestyle opportunities, promoting the education and preservation of key ecological and cultural elements of the sites.
(a) enabling people who collectively own a single lot to erect multiple dwellings on that lot without dividing the lot (such as by subdivision or by contractual arrangements), and	The proposal allows multiple owners of single lots to establish dwellings without further dividing the lot through subdivision or strata/community titling. Rather, the resident rights and responsibilities are formed, agreed and entered into through a collective community arrangement and by-laws with ongoing community meetings and management. A Draft Neighbourhood Management Statement has been prepared and provided which will continue to be developed in the community's interests.
(b) enabling the sharing of facilities and resources to allow a wide range of communal rural living opportunities at a lower cost, and	The proposal promotes the sharing and collective enjoyment of communal areas, facilities and group lifestyle opportunity. Economic investigations have identified the proposal as low cost and a more affordable housing option within the TSC area and desired region. Ongoing living costs are further reduced with the proposal providing:

State Environmental Planning Policy (Primary Production and Rural Development) 2019

Schedule 5

	• self-sustaining food source and shared community resources; • power, water and waste servicing off grid and at reduced cost; and • community employment opportunities.
(c) facilitating development on rural land (preferably in a clustered style) without undue harm to the environment and without creating a demand for the unreasonable or uneconomic provision of public amenities or services, and	The proposal facilitates clustered dwelling opportunities located in consideration of the site's key environmental values. These clusters/hamlets form the wider community which allows sharing of facilities, services and resources. Further the 'off grid' and sustainable nature of the proposal does not create demand for unreasonable public amenities or services.
(d) creating opportunities for an increase in rural population in areas that are experiencing population loss.	The proposal creates opportunity for an increased rural population in an area becoming increasingly difficult to establish in. Economic assessment has identified the proposal as an affordable housing option in an increasingly expensive area to establish. Further, affordability benefits are noted in terms of ongoing living costs and the potential of RLSCs to offset establishment and living costs through community initiatives and roles.
Section 3 – Land to which the Schedule applies This Schedule applies to land in any rural zone but not to the following land—	The site is zoned as RU2 and RU5. The RLSCs gain access over the RU5 portion, yet the proposed RLSCs are within RU2 land. In accordance with the Department of Planning Practice PN11-002 the RU2 and RU5 zones are identified as Rural Zones.
(a) land in an environmentally sensitive area for exempt or complying development within the meaning of clause 3.3 of the Standard Instrument,	The site has been extensively investigated to ensure the Developable Area is not located on land within an environmentally sensitive area, including coastal waters/lakes, wetlands, littoral rainforest, aquatic reserves or within 100m of these. Through detailed investigation, the RLSCs avoid areas of high aboriginal cultural heritage, biodiversity significance and is not land identified as a land reserved under the *National Parks and Wildlife Act 1974*. Nor is the site reserved under *Crown Land Management Act 2016* for Flora/ Fauna geological formations or other environmental protection purposes.
(b) land to which a wilderness protection agreement under the Wilderness Act 1987 relates,	The land does not relate to a wilderness protection agreement under the *Wilderness Act 1987*
(c) land that is a forestry area within the meaning of the Forestry Act 2012,	The land is not a State forest, timber reserve or flora reserve, and is therefore not identified as a *forestry area* within the meaning of the *Forestry Act 2012*
(d) land that is within a special area or a controlled area under the Hunter Water Act 1991, the Sydney Water Act 1994 or the Water NSW Act 2014.	The site is not located within a special area or a controlled area under the *Hunter Water Act 1991, the Sydney Water Act 1994 or the Water NSW Act 2014*.

State Environmental Planning Policy (Primary Production and Rural Development) 2019	
Schedule 5	
Section 4 – Rural Land Sharing Community permitted with consent	The subject site meets the requirements under Schedule 4 as below
(a) the land is a single lot with an area of not less than 10 hectares,	All lots proposed for future RLSCs have an area greater than 10ha
(b) the height of any building on the land will not be more than 8 metres,	The development of dwellings will achieve compliance with an 8m maximum height limit
(c) no more than 25% of the land is prime crop and pasture land and no building containing a dwelling will be on any such land,	The site does not contain identified prime crop and pastureland and dwellings will not be located on any such land
(d) no building will be on land that is a wildlife refuge, wildlife corridor or wildlife management area and the development will not adversely affect any such land,	The Developable Area has been specifically located to avoid areas of wildlife refuge, corridors and management. In addition, the proposal identifies key recommendation for rehabilitation and regeneration of such areas to ensure future protection and stewardship.
(e) the development will not include a camping ground, caravan park, eco-tourist facility or tourist and visitor accommodation, except where otherwise permissible on the land,	Part of the sites operate under existing consent as a camping ground as permissible on the land. No additional such operations are proposed; however, it is noted that such operations would be permissible with consent on the sites.
(f) no building will be on land that has a slope in excess of 18 degrees or that is prone to mass movement,	The slope and geotechnical constraints of the site have been investigated. The Developable Area has been positioned within areas of 18 degree slope or less. Subsequent DA stages will confirm that no dwelling is positioned on land with greater than 18 degree slope or prone to mass moving.
(g) the development is consistent with the aims of this Schedule.	As detailed above the proposal remains consistent with the aims of Schedule 5
Section 5 – Matters to be considered	
(a) the arrangements for operating and managing the community,	A draft Neighbourhood Management Strategy is provided which will become the overarching management document. This has been, and continues to be, formed with the NCV Enterprises legal team and in consultation with the community. This document sets out the Nightcap on Minjungbul aims, objectives and provides the tools for enforcing by-laws and additional overarching studies and guidelines such as design guidelines, bushfire risk management and cultural protection.
(b) the design of the proposed development,	While the proposal remains a concept as this preliminary stage, draft architectural design guidelines set out the overarching principles of design. These do not circumvent Council design principles and considerations such as the DCP. Rather these complement the design vision, constraints and specific site character. The ADGs set the base provisions where unique outcomes are sought.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

Schedule 5

	More detailed provisions will be carried through subsequent DA stages.
(c) the physical and heritage characteristics of the proposed site and surrounding land,	Detailed site analysis and understanding has been undertaken as well as overarching studies to guide additional investigations that will following the concept endorsement. These have considered the physical and heritage characteristics of the site which have not been identified to constrain the proposal in concept. The large site area and location of developable footprint offers a unique rural housing and ownership opportunity which is permissible and compatible with the surrounding lands.
(d) the availability of roads, utilities and other services,	It has been confirmed that essential services are available to the site, including potable water harvesting, OSSM, access, telecommunications and power lines. While confirmed, there remains opportunity to explore alternative connection and off-grid services and innovative technologies. This will leverage the communities desire and push for more sustainable housing and servicing.
(e) the impact of the development on the environment and any present or future use of the land,	Overall, the proposal will have a net benefit to the present and future environmental value of the lands. Much of the land is degraded, cleared or unmanaged historic plantation overrun with lantana and invasive species. The land is too steep to offer suitable growing or grazing for rural production. That said, there are disjointed areas of high biodiversity value including rainforest communities. The exceptionally high quality vegetation areas that exist are being wholly set aside for protection, while even more land is earmarked for rehabilitation, regeneration and protection that will link these ecologically valuable areas and create a lasting network. Any perceived impacts on the environment have been considered and can be suitably avoided, managed or mitigated.
(f) any other matter that the consent authority considers to be relevant.	The proposal has had due regard to all relevant planning matters and consideration, having tested and responded to typical site constraints. If Tweed Shire Council as the assessing authority, or the Northern Regional Planning Panel have any additional matters of relevance, we would appreciate the opportunity to review and appropriately respond prior to a determination being made.

State Environmental Planning Policy (Primary Production and Rural Development) 2019	
Schedule 5	
Section 6 – Future Management	The proposal includes several documents, recommendations and ongoing future management strategies for the site, including: • Water and waste management strategies; • Geotechnical assessment and recommendations, including additional review and slope sensitive design considerations; • Bushfire Management Plan; • Flora and Fauna management, rehabilitation and protection (incl BDAR); and • Detail on the provision, maintenance and community management of internal access roads, fencing, water provision, service corridors and infrastructure. Further refinement and additional management strategies may also emerge from future development stages as more specific details (i.e. dwelling designs) become definitive.
Section 7 – Density of Development	The proposal presents a concept, defining the maximum number of dwellings allowable under Schedule 5. Please refer to **Table 12** of this report. This is provided throughout this SEE as an 'up to' amount, as in reality, some dwelling clusters may not establish the maximum number of dwellings available. This will be confirmed through more rigorous site testing and plot confirmation at detailed design and future DA stages. It would be reasonable for conditions of consent to identify the maximum number of allowable dwellings to limit development over this amount from occurring. Likewise, a condition of consent relating to the number of persons permitted to reside within these dwellings can confirm that the development does not allow a population of more than 4x the number of dwellings.
Section 8 – Subdivision prohibited	The proposal does not incorporate subdivision of the RLSCs under this schedule with ownership and community management ultimately being a group collective.
Section 9 – More than one (1) dwelling may be treated as a single dwelling	Not Applicable, as specific dwelling design and locations are not yet confirmed. The proposal positions dwellings in clusters, however, does not intend these clusters to be considered 'a single dwelling'. Any such consideration of this section (i.e. a group home arrangement of several dwellings within a single dwelling plot) would be detailed and addressed through subsequent stages of the DA process.

As detailed above the proposal seeks to establish in accordance with the relevant considerations of the *State Environmental Planning Policy (Primary Production and Rural Development) 2019*.

Legal advice was sought in response to Council raised discussions during the original project DAP meeting held in May 2017. This was in relation to the concept application applying over multiple allotments and whether a concept development approval 'site' becomes 'the land' for the purposes of the SEPP referred under Clause 7. The legal advices determined a Concept DA could apply to multiple allotments, being the 'site' and future development applications could apply to separate parts within the concept 'site'. The Legal advice therefore confirms the strategy for multiple RLSCs in relation to the SEPP.

6.9 Tweed Local Environmental Plan 2014 (TLEP 2014)

The subject site is identified on the TLEP 2014 Land Application Map. Therefore, assessment against the TLEP 2014 is necessary. The following section specifically separates the concept and current Stage 1 assessment considerations.

6.9.1 Definitions

6.9.1.1 Concept

The concept application sets out the proposed outcome of RLSCs. It is noted that although the proposed land-use is not defined under the Local Environmental Plan, permissibility and the description of RLSCs is provided under Schedule 5 of the Primary Production and Rural Development SEPP, with the proposal consistent with this description and outcome.

6.9.1.2 Stage 1 Private Road and Earthworks

Stage 1 encompasses private road and earthworks which are ancillary uses to the permissible RLSC. While ancillary, these uses are defined under the TLEP 2014 as:

> **road** *means a public road or a private road within the meaning of the* Roads Act 1993*, and includes a classified road*
> **earthworks** *means excavation or filling.*

6.9.2 Clause 2.1 – Land Use Zones

6.9.2.1 Concept

The site encompassing the 10x RLSCs is zoned RU2 – Rural Landscape pursuant to the provisions of TLEP 2014. The following objectives are relevant to the RU2 – Rural Landscape zone:

> ***Zone RU2 Rural Landscape***
> ***1 Objectives of zone***
> - *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
> - *To maintain the rural landscape character of the land.*
> - *To provide for a range of compatible land uses, including extensive agriculture.*
> - *To provide for a range of tourist and visitor accommodation-based land uses, including agri-tourism, eco-tourism and any other like tourism that is linked to an environmental, agricultural or rural industry use of the land*

The subject site does not contain any areas identified for primary production and does not anticipate any impact on the natural resource base. The Developable Area is generally located off existing internal roadways which are along ridgelines. Dwellings themselves will typically be positioned below the ridgelines and compliant with an 8m maximum building height to maintain the rural landscape and accord with the SEPP provisions. The proposal retains (where appropriate) the dense bushland environment within and around Developable Areas and provides preliminary guidelines for the protection and rehabilitation of environmental areas. This acknowledges a degree of clearing for dwelling plots, land application areas, servicing, bushfire protection, safety and access.

The introduction of the 392x rural land sharing dwellings is to be established among 318ha of the total 1,584ha of natural landscape. The land uses are anticipated to be non-obtrusive rural style dwellings and complementary community facilities such as natural lookout areas, walking tracks, community halls, gardens, etc. This ensures the rural landscape character of the land is maintained with protected, rehabilitated and maintained lands interwoven among dwelling plots. A VIA is also provided noting the influence of topography over the site on the visibility of the proposal from the public realm and adjoining properties. It is concluded that the proposals low scale dwellings, natural setting and rolling landscape will ensure the RLSCs maintain the rural landscape, please refer to **Appendix L**.

The strategic establishment of the site and increased dwelling yield provides an important uplift in population for the area. This gradual uplift as dwelling plots are released and developed will contribute to supporting commercial services provided in nearby Uki as well as increasing demand for the zoned Village area to establish as a key commercial and community hub for the region.

The proposal is consistent with the objective of this zone, maintaining the rural landscape and minimal impact on the natural landscape and environmental quality of the area.

Land within the site is also zoned W1 Natural Waterway. This is limited to the most south-eastern portion of the site and outside of any land area identified as Developable under the Concept Plan.

> ***Zone W1 Natural Waterways***
> ***1 Objectives of zone***
> - *To protect the ecological and scenic values of natural waterways.*
> - *To prevent development that would have an adverse effect on the natural values of waterways in this zone.*
> - *To provide for sustainable fishing industries and recreational fishing.*

The proposal will not detrimentally impact ecological or scenic values of natural waterways that traverse the site, nor would it preclude fishing opportunities.

The proposal is consistent with the RU2 and W1 zones, which make up the site for the proposed RLSCs.

A 44.3ha area of land within the site is also zoned RU5 Village. Development in this area is limited to access only under the concept. This RU5 zoned land will be subject to a separate and comprehensive Development Application detailing the emergence of this as a new township.

> ***Zone RU5 Village***
> ***1 Objectives of zone***
> - *To provide for a range of land uses, services and facilities that are associated with a rural village.*
> - *To ensure that new development responds to and respects the character of a rural village*

The concept and positioning of access through this portion of the land does not compromise the ability of the Village to establish or achieve the above objectives. Further, the proposal will offer access to the range of services, land uses and facilities expected to establish within the village. The proposal is not inconsistent with the objectives of this RU5 zone.

6.9.2.2 Stage 1 Private Road and Earthworks

Stage 1 private road and earthworks comprise land zoned RU5 Village.

> ***Zone RU5 Village***
> ***1 Objectives of zone***
> - *To provide for a range of land uses, services and facilities that are associated with a rural village.*
> - *To ensure that new development responds to and respects the character of a rural village.*

The proposed upgrade to the existing private access roadway does not detract from the current or intended use of the site or area. This work has been identified through detailed study of the proposal and networks and in consideration of the potential of this RU5 land for future development. The road provides access and egress to encourage future development of the site and assists in providing for a range of uses, services and facilities that will be associated with Nightcap on Minjungbul as well as the future Nightcap Village.

6.9.3 Clause 2.6 Subdivision – Consent Requirements and Clause 4.1 Minimum subdivision lot size

6.9.3.1 Concept

The future subdivision component will achieve the minimum lot size of 40ha applicable to the RU2 zoned land as demonstrated in the concept.

It is noted that this subdivision does not relate to individual dwelling plots, but rather to facilitate the intended dwelling yield and ensure the orderly and economic development of the land and management in perpetuity. While subdivision forms part of the overall proposal, consent for the subdivision is not yet sought. This will form part of the Stage 2 DA.

6.9.3.2 Stage 1 Private Road and Earthworks

The proposed roadway is a private road and not being dedicated / subdivided.

6.9.4 Clause 4.3 Height of Buildings

6.9.4.1 Concept

The majority of the subject site is mapped within the building height layer of 10m, with the remaining RU5 village area identified with a maximum building height of 13.6m. The Concept Plan provides for single and 2x storey structures, maintaining consistency with the LEP provisions and maximum dwelling height of 8m specified under SEPP. Certainty in this regard is provided within the development guidelines (ADG, Statement of Commitments, development matrix) which set the foundations and commitments of future development stages.

6.9.5 Clause 5.10 – Heritage Conservation

6.9.5.1 Concept

The subject site is mapped as containing Aboriginal Place of Heritage Significance and Predictive Aboriginal Cultural Heritage. Preliminary investigation into Aboriginal and European cultural heritage has been undertaken including site investigations, ground truthing and discussions with relevant entities (such as site walk over with tribal representatives and TBLALC). Detailed discussion regarding this consideration is provided within the Aboriginal Cultural Heritage Assessment prepared by Everick Consulting in **Appendix C**.

The Aboriginal Cultural Heritage Assessment does not conclude that specific areas within the site need to be excluded from development. The AHCA supports the development progressing through concept and notes key findings to guide the future investigations for development of the site. It would be anticipated through subsequent stages that the Applicant and consultant team continues working with relevant entities (Such as the TBLALC) to ensure any cultural significant areas or items are appropriately identified and managed appropriately.

The AHCA outlines the following key recommendations in progressing the development through Concept DA: The Applicant envisions identifying, protecting, and facilitating education in relation to any identified sacred/heritage items found over the site through a combination of these recommendations. These are:

1. **Additional Consultation and Investigation** (through all subsequent stages and processes);
2. **Aboriginal Heritage Impact Permits** (as required for any works);
3. **Cultural Heritage Management Plan or Policy** (developed through subsequent DA stages);
4. **Cultural Heritage Induction** (during construction and for future residents);
5. **Aboriginal Objects Find Procedure** (during construction and in perpetuity);
6. **Aboriginal Human Remains** (although noted as unlikely, a policy outlining the process of dealing with the discovery of human remains);
7. **Conservation Principles** (to minimise potential disturbance and impact)
8. **Historic Sites** (2 key European settlement sites earmarked for further investigation being a bush sawmill and stock yards)

6.9.5.2 Stage 1 Private Road and Earthworks

During the preliminary AHCA investigations no items of significance were identified along this portion of the site that would preclude development. Proposed works generally locate over the existing internal road network and within existing disturbed areas and therefore unlikely to impact items or areas of heritage significance. It is submitted that works can proceed under standard guidelines to manage any unexpected items that may be discovered through construction.

6.9.6 Clause 5.11 – Bushfire Hazard Reduction

6.9.6.1 Concept

The subject site is mapped as being within the vegetation category 1, 2 and buffer associated with bushfire prone land. A detailed Bushfire Design Brief was prepared and submitted to RFS along with a site walk over and negotiations in relation to the proposal. RFS (in principle) supported the bushfire mitigation strategy and methodology applying to the establishment of the RLSCs. A Bushfire Management Plan has since been prepared by Bushfire Safe and is provided in **Appendix C**. The Bushfire Management Plan confirms that 392x dwelling plots are capable of achieving compliance with Planning for Bushfire Protection (PBP) 2019 through:

- Provision of (up to) BAL 29 construction practices;
- Appropriate bushfire Asset Protection Zones (52m) to forest vegetation;
- Ability and mechanisms to maintain APZs in perpetuity;
- 20,000L firefighting water supply to dwellings (incl. fittings, signage and suitable RFS access)
- Internal all weather road access for RFS vehicles; and
- Access/egress in bushfire situations.

Consultation with RFS, expert recommendations as well as detailed investigations (as dwelling plot locations are confirmed) will continue to guide the bushfire management outcomes at the site through subsequent development stages.

6.9.6.2 Stage 1 Private Road and Earthworks

Stage 1 does not constitute development on bushfire prone land other than facilitating access for the future RLSCs. This roadway has therefore been designed in accordance with the access requirements of PBP 2019, as specified in the Bushfire Management Plan.

6.9.7 Clause 5.16 – Subdivisions of or dwellings on certain Rural Land

6.9.7.1 Concept

Subdivision of land does form part of the concept. Consent for subdivision would be sought under Stage 2 of this project. That said, this subdivision is by way of lot amalgamation and boundary realignment. That is, the proposal results in a less fragmented rural environment. Equally, and when considering the provisions of Clause 4.2B of the LEP, it results in less 'dwelling entitlements' being available across the site than what currently exist.

Subdivision forms part of this overall concept to ensure the orderly and economic delivery of the proposed RLSCs and as noted through this Planning Report and supporting documentation, is a development and land use outcome that is compatible with the existing, approved and preferred land uses on surrounding land. Potential impacts in relation to visual, traffic, servicing, ecology, social and cultural heritage have been investigated in detail and determined to be manageable. The significant distances established between any identified Developable Area and adjoining land also ensure new land uses at the site will not be in conflict with wider rural practices (noise, light, air emissions, etc.). The recommended buffer distances for managing land use conflict in rural areas, under both Council's DCP and the NSW Government's 'Living and Working in Rural Areas', are achieved.

The proposed subdivision is consistent with the clause when considering its objectives and heads of consideration.

6.9.8 Clause 7.2 – Earthworks

6.9.8.1 Concept

The proposal will result in earthworks generally limited to the preparation and construction of internal road networks, dwelling plot preparations and dwelling and community facility construction. Preliminary engineering plans for the internal road network have been prepared. These include typical road sections, cut and fill batters and long sections for the entirety of the 26.5km internal road network to allow Council to consider likely impacts of the proposal. The site provides ample opportunity to internally source fill, such as the existing decomposed granite stores which have historically been used for track upkeep and minor filling purposes across the site.

Roadways generally follow the natural contours of the site and upgrade the existing informal network. As such, earthworks are minimised and do not result in significant impact. The concept has considered all relevant preliminary matters including, but not limited to:

- Drainage patterns and soil stability;
- Future use and redevelopment of land;
- Quality and source of any fill or excavated material;
- Potential fill available from within the site
- Existing and likely amenity of residents and adjoining properties; and
- Cultural relics, waterways heritage items, conservation areas, etc.

These will also form additional considerations of detailed earthworks plans and proposal through subsequent stages to ensure matters will continue to be appropriately addressed. Please refer to the concept engineering plans prepared by Planit Consulting in **Appendices A5** and **J**.

6.9.8.2 Stage 1 Private Road and Earthworks

Stage 1 works include minor upgrades, sealing and widening of the existing private road (6m wide paved with 0.5m wide shoulders). This aligns with the existing internal private road and simply widens the initial site access and turning bend to allow larger vehicles (such as a 12.5m HRV) to make appropriate access manoeuvres. Appropriate stormwater flow devices (headwall, piping and grading) maintain the existing overland flow path from the east, which crosses Kyogle Road. The proposal will source fill from within the site as available, such as from the previously excavated area which provides decomposed granite and soils located between Lot 11 and Lot 121. Any fill brought to the site will be appropriately sourced and of good quality and will be battered to ensure appropriate grading, drainage and compaction.

It is anticipated that reasonable conditions of consent be imposed to ensure the earthworks:

- do not disrupt drainage patterns or soil stability;
- do not affect the future development of the land;
- locally source high quality fill and consider the quality of excavated fill on site;
- appropriately respond to the unlikely event of unearthing/disturbing relics; and
- include appropriate measures to avoid, minimise or mitigate the impacts of the development on waterways, environment and surrounding properties (such as standard erosion and sediment control measures).

It is also noted that the works will be located within 40m of a waterway. A controlled activity approval is to be sought through construction phases.

6.9.9 Clause 7.6 – Stormwater Management

6.9.9.1 Concept

Stormwater considerations form specific discussion within the Stormwater Management Master Plan accompanying this application. Please refer to relevant considerations in **Appendix J**. In summary, the Stormwater Management Master Plan envisions:

- Suitable WSUD elements to be incorporated in both dwelling and road design;
- Erosion and Sediment control measures to be employed pre, during and post construction;
- Individual and dispersed lawful points of discharge retained as overland flow across the expansive site;
- Retained natural water courses, drainage and flood flow with no worsening to current conditions;
- Controlled activity approvals as required; and
- Appropriate buffering of development from environmentally sensitive areas.

The Concept Plan and stormwater management masterplan encompass the road network provision and dwelling plot preparations and guides the stormwater engineering of the detailed design. Road design will include culverts, headwalls and drains to ensure unimpeded flows and retain natural flow rates. The minor scale of the road network and dwelling footprints in comparison to the expansive site area, means the stormwater runoff can easily assimilated and directed by overland flow to natural watercourses which traverse the site as lawful points of discharge. Where required for close clusters of dwellings or larger community facility catchment (roof area), detention may be implemented which can be confirmed through detailed design and catchment analysis.

6.9.9.2 Stage 1 Private Road and Earthworks

Stormwater management for the site is encompassed under a site wide masterplan strategy. This notes the scale of the site in comparison to the proposed works and minimal impact envisioned. The small

portion of road to be specifically formed at Stage 1 maintains the overland flow with headwalls, piping and grading, consistent with the current site conditions to achieve no worsening of stormwater flow.

6.9.10 Clause 7.7 – Drinking Water Catchment

6.9.10.1 Concept and Stage 1 Private Road and Earthworks

The proposal has considered the potential impact on water entering drinking water storages. The proposal also considers the potential inundation of a large portion of the site for a future dam (as a water source for the Tweed). The Concept Plan has been prepared having regard to the location and buffering from any existing and potential water storage areas. The proposal will employ appropriate measures to avoid, minimise or mitigate the impacts of the development, and where specifics remain unknown (i.e. onsite sewer land application areas) these measures will be determined as part of subsequent detailed design and development stages. Wastewater treatment, storage and dispersal areas can be appropriately design and accommodated onsite in accordance with standard requirements, as detailed in the relevant supporting reports such as the Concept On-site Sewerage Management Design Report prepared by Precise Environmental.

6.9.11 Clause 7.10 – Essential Services

6.9.11.1 Concept

The proposal provides a concept servicing strategy to confirm essential services can be provided to each of the proposed dwelling cluster areas and future dwellings. This includes the provision of water, electricity, disposal and management of sewerage, stormwater drainage, telecommunications and vehicular access. Please refer to the concept engineering plans and servicing strategies prepared by Planit Consulting and Precise Environmental, which confirm provision of essential services in concept. These studies confirm independent services are suitable, such as rainwater tanks and onsite wastewater management systems. Opportunities for more centralised and cooperative systems will also be explored when advancing the servicing strategy for the RLSCs. This may include Nightcap seeking its own sewage treatment/water reclamation plant. While it is demonstrated that the site can achieve typical service provision, the Applicant looks forward to exploring innovative and leading edge sustainability practices at subsequent detailed DA stages.

Suitable vehicular access is already provided over the site. The access network as it exists is shared between landowners, recreational users and with the current plantation area operations. These roadways remain in place irrespective of further development of the site, ensuring availability and ongoing provision for each of these users.

While the road network is noted to cross and pass within Crown Land 'paper roads', the applicant has pursued closure of these crown roads, which was approved on 11th February 2020. Contracts for the purchase of these roadways have been signed and payments are being made confirming closure of these. As an intermediate measure, the application is accompanied by landowners' consent from Crown Lands to the making of the Concept DA. This provides certainty that the concept can progress while formal road closure is finalised.

6.9.11.2 Stage 1 Private Road and Earthworks

Stage 1 private road and earthworks takes the first step to formalise and upgrade vehicular access to the site in preparation for future development. This roadway will continue to be rolled out over the site as part of future DA's and include provision of telecommunication infrastructure to key nodes.

6.9.12 Clause 7.12 Existing and future water storage facilities

6.9.12.1 Concept

The subject site contains an area earmarked for potential future dam inundation (Byrrill Creek Dam). The Applicant has been involved in preliminary land-swap discussions regarding the future intended use of this land. The benefits of this land lie both with Council as an acquirable parcel of land for future water storage (or alternatively to retain as high-quality ecological remnant vegetation); and with the Applicant for its scenic landscape amenity and natural setting.

Therefore, the Concept Plan avoids the area earmarked for inundation and below the RL 140m AHD contour line around this future inundation area. The Applicant does seek to maintain plantation and logging operations within this potential future dam area prior to inundation, however no structures would be envisioned as part of this. Likewise, the existing informal road network and access/egress within this dam area is not proposed to be developed or formalised. The proposal will not have a significant adverse impact on topographic or landscape features or the natural state of the land, and as such adequately considers and protects the future water storage potential of the site.

6.9.12.2 Stage 1 Private Road and Earthworks

Stage 1 private road and earthworks do not relate to existing or future water storage facilities.

6.10 Tweed Development Control Plan 2008

The following is an overview of the assessment against the relevant Sections of the TDCP. In the absence of specific controls in relation to RLSCs, the following sections of the TDCP have been assessed and discussed. Where applicable, respective code compliance documentation is provided in **Appendix Q** and within supporting documentation as listed.

Table 18 – TDCP Relevance Assessment

TDCP Relevance Assessment		
Section	**Concept**	**Stage 1**
A1 Residential and Tourist Development	This Concept DA ultimately seeks approval for multiple RLSCs. No individual dwellings are proposed under this Concept DA and Stage 1 works. Relevant considerations of Part A for future dwellings have been addressed within **Appendix Q**.	Not Applicable
A2 Site Access and Parking	Please refer to **Appendix Q**	Applicable, refer to **Appendix Q**
A5 Subdivision Manual	The proposal considers a subdivision element, and therefore Section A5 is applicable. Equally, A5 contains guiding principles for rural settlement, which have been considered through this DA. Please refer to relevant considerations and detailed DCP A5 response in **Appendix Q**.	
A13 Socio-Economic Impact Assessment	An Economic Needs Assessment has been prepared by MacroPlan in **Appendix B**, including a Socio-Economic Impact Assessment (SEIA) within Section 5 of their report. The SEIA concludes a net benefit	Not Applicable

TDCP Relevance Assessment		
Section	**Concept**	**Stage 1**
	associated with the proposal under detailed assessment against the TDCP assessment matrix.	
A15 Waste Minimisation and Management	Refer to Section 7 of this SEE.	Waste minimisation and management plan provided in **Appendix P**
A16 Preservation of trees or Vegetation	Vegetation preservation considerations of the entire concept in addition to specific considerations of Stage 1 are addressed within the ecological report (including BDAR) prepared by Planit Consulting in **Appendix E**.	
A18 Heritage	Heritage considerations are addressed within the Aboriginal Cultural Heritage Assessment prepared by Everick Consulting in **Appendix C**.	Not Applicable
A19 Biodiversity and Habitat Management	Biodiversity and habitat management considerations of the entire concept in addition to specific considerations of Stage 1. All relevant matters are addressed within the ecological report (including BDAR) prepared by Planit Consulting in **Appendix E**.	

6.11 Variations to TDCP controls

As the proposal constitutes a concept application no specific variation to the prescribed controls are identified. Detailed assessment against the specific controls is provided within TDCP response documentation provided in **Appendix Q**. It is acknowledged the concept in its current form may require variation to TDCP controls. Any such variations would be identified and sought through subsequent DA stages.

7 Further Consideration under the Environmental Planning and Assessment Act 1979

7.1 Environmental Planning and Assessment Regulations 2000

This development application has been prepared in accordance with Part 1, Schedule 1 of the Regulations.

7.2 Any Draft Planning Instruments

The following draft planning instruments have been identified at time of preparing this report:

7.2.1 Draft Environment SEPP

The purpose of the Draft Environment SEPP is the promotion and improvement of key environmental assets of their intrinsic value and the social and economic benefits they provide. The proposed new SEPP will set out provisions under 4x parts including catchments, waterways, bushland and protected areas. The subject site considers areas of environmental significance and employs measures to manage, mitigate and avoid impact as appropriate.

The Concept Plan establishes a strong relationship between people and the natural environment, underpinning environmental protection and uplift.

Ecologically significant areas have been identified and mapped through extensive ground truthing investigations, and for the most part, will be avoided when establishing the Developable Area, dwelling plots and the formalised internal road network.

The Concept Plan nominates ecological protection and rehabilitation areas which will provide the foundations for education, understanding and enjoyment within the natural landscape setting of Nightcap on Minjungbul. The Concept Plan also indicates key fauna corridor linkages that avoid developable and future inundated land and will be the focus for regeneration works onsite.

The ecological restoration strategy proposes 2x main approaches, being 'natural regeneration' and 'assisted natural regeneration' with the mapped areas displaying ecological values that can be retained and enhanced. Where areas are degraded, though providing opportunity for key linkages; an assisted natural regeneration or 'reconstruction' approach will be implemented to regenerate, protect and expand the populations of native flora and fauna. The strategy also designates ecological areas and corridors of approximately 630ha for rehabilitation and protection works or to remain completely untouched. These areas are identified as high quality ecological and rehabilitation corridors/opportunities with the ability for stewardship which will form a Biodiversity Stewardship Agreement to be implemented over a 20x year period and protected in perpetuity.

7.2.2 Draft Remediation of Land SEPP 55

The proposed new Remediation of Land SEPP will provide a state-wide planning framework for the remediation of land, maintain the objectives and reinforce those aspects of the existing framework that have worked well, require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land, clearly list the remediation works that require development consent and introduce certification and operational requirements for remediation works that can be undertaken without development consent.

The proposal has provided a Contaminated Land Assessment which considers the current and draft SEPP 55. The proposed SEPP does not raise any additional matters which have not been considered under this SEE and supporting reports.

7.2.3 Draft Housing Diversity SEPP

The proposed Housing Diversity SEPP consolidates 3x SEPPs, being the SEPP Affordable Rental Housing, SEPP Housing for Seniors and People with a Disability, and SEPP 70 Affordable Housing (revised schemes). The proposed Housing Diversity SEPP aims to deliver a planning framework that:

- will assist the State's economic recovery following COVID-19;
- consolidates existing State level housing-related planning provisions into a single instrument;
- is in a format capable of being expanded and amended as future needs may require; and
- facilitates the delivery of housing that meets the needs of the State's growing population.

While the proposed Housing Diversity SEPP defines 3x new land use definitions, these offer little synergy with existing Rural Land Sharing Community provisions and the proposal. That said, both equally set about responding to a growing population, housing demand and affordability. Therefore, the proposal is not inconsistent with the key components of the new Housing Diversity SEPP.

7.2.4 Draft Short Term Rental Housing SEPP

The proposed Short Term Rental Housing SEPP aims are:

- to support short-term rental accommodation as a home sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,
- to provide for the safety of users of short-term rental accommodation who may be less familiar with the dwelling,
- to clarify the types of housing that may be used for the purposes of short-term rental accommodation.

While the new Short Term Rental Housing SEPP facilitated short term rental of dwellings, the provisions under this reflect dwellings provided with reticulated water or dwellings in RU5 land with suitable water supply. So, while this SEPP may be available to the separate RU5 Village dwellings upon establishment, this is not available to the RLSC dwellings and does not require additional consideration.

7.3 Likely Impacts

The proposed development has considered and responded to a range of potential adverse environmental impacts on the natural and built environments, or social and economic impacts in the locality.

7.3.1 Natural Environment

The proposed development seeks approval for the concept development to establish RLSCs within the natural landscape environment. The proposal provides a suitable level of design controls to guide future development of the site. The intended development outcome is one of low impact and ecologically minded. RLSCs in their essence seek minimal disturbance to the natural environment.

The Concept Plan indicates key fauna corridor linkages that avoid developable and future inundated land and will be the focus for regeneration works onsite. That is, the proposal in effect helps reduce fragmentation and alienation of natural habitats across the site.

While the proposal does result in increased residential opportunity and associated onsite effluent disposal, significant separation distances between the Developable Area (and associated dwelling plots) and water storage areas are able to be achieved to ensure protection of the environment and human health. These separation distances have been tested against the NSW Environment & Health Protection guidelines. In addition to separation requirements, the strategy for servicing individual dwellings / community facilities at the site includes measures for ensuring sewage is appropriately managed and disinfected before being irrigated to suitable receiving soils.

The proposal sets out a worst case scenario of vegetation clearing and quantifies this within the BDAR and ecological assessments accompanying the application. These reports also detail the significant ecological opportunities such as rehabilitation, biodiversity stewardship, monetary offsets and environmental protection the proposal offers. In summary, while developable and open space areas may see clearing of up to 106.5ha of native vegetation, there remains significant opportunity for overall ecological value to be improved and protected across the site. Specifically, the proposal:

- Identifies and protects in excess of 540ha of high quality ecological areas;
- Retains more than 80% of the site's native vegetation;
- Earmarks approximately 100ha of rehabilitation and key corridor linkages; and
- Provides biodiversity offsets which will form either purchased and retired credits, biodiversity stewardship within the site and surrounds or direct funding through the Biodiversity Offsets Scheme (BOS).

Noise may be generated by vehicles entering, traversing and leaving the site in addition to construction over the site. The internal private road and access points are separated from adjoining lands, typically in excess of 300m. Further, retained vegetation will provide acoustic and visual buffering to limit noise impacts. Standard conditions of consent in relation to construction times will further ensure minimal noise impact as a result of the proposal.

Opportunities for internal lighting around access roads and community facilities (in addition to typical dwelling lighting) will be considered through detailed design stages. It is anticipated that the location of developable areas, existing vegetation and suitable amelioration can ensure lighting does not extend beyond site boundaries or effect the surrounding area. Similarly, internal lighting will consider flora and fauna impacts, off grid (solar) powering and perceived cumulative impacts to ensure this does not cause a nuisance or interfere with ecological value of the site.

7.3.2 Cultural Heritage

Cultural Heritage plays an integral role to NCV Enterprises governance and management framework and underpins much of the By-Law and Neighbourhood Management Statement direction. As a key consideration, and in refining the Developable Area, a comprehensive assessment of existing and potential Aboriginal Cultural Heritage was undertaken by Everick Consulting including site walk-over with the Tweed Byron Aboriginal Land Council. This considered previously identified AHIMS sites (some of which were not able to be relocated), as well as identifying new items and matters for future consideration across the site.

The AHCA identified 36x registered sites found and investigated through the detailed cultural history assessment, site walk over and liaising with TBALC. These have been identified, confirmed, and plotted on the site mapping. *Section 6* within the AHCA notes that having considered the 36x sites the following approach can be suitably incorporated to ensure cultural heritage value is protected:

- management through avoidance;
- establishment of conservation areas;
- engineered solutions to minimise the footprint of buildings and roads around known/discovered sites; and

- regulatory means of salvaging and relocating artefacts (where unavoidable) can achieve appropriate management of cultural heritage.

As such, the inclusion of these cultural heritage sites within the detailed site mapping and reflection of these sites within this SEE and the overarching study, can ensures that at any stage of RSLC development (i.e. internal road work, identifying dwelling plots, etc) these artefacts are appropriately considered and development can follow the recommended processes outlined in the AHCA to minimise impact and protect cultural heritage.

7.3.3 Agricultural Issues

While the proposal seeks to establish new living opportunities upon rural zoned land, the proposal presents opportunity for increased agricultural productivity. Other than plantation / forestry, the land is not predominantly farmed. The proposal on the other hand provides a range of opportunities for residents to participate, support and co-operate in community initiatives/roles such as farming and horticulture. Co-operative agricultural areas will provide for ecologically sustainable and shared facilities and services such as food, goods, employment opportunities, recreation and socialising. Considering this, the proposal has significant potential to help revitalise local rural communities, assist in the regeneration of natural vegetation systems and develop new forms of agricultural production.

Harvesting and reusing water which is captured within the site and/or through tanker import would not be at the detriment / competition of wider agricultural pursuits.

Considering the size of the land and particularly, the expansive Environmental Buffers to adjoining private rural land, conflicts with wide agricultural activities and outputs are not considered likely. The land does not comprise Biophysical Strategic Agricultural Land, is not mapped as Important Farmland and not mapped as containing important mineral resources by NSW Trade & Investment (Resources & Energy). The proposal in this regard is not likely to cause sterilisation of existing important natural resources.

The site has historically been used for forestry and while some operations are envisaged to continue, residents entering into the cooperative rural estate will be aware of these operations and thus familiar with the activity's outputs.

7.3.4 Built Environment

Preliminary guidelines on built form have been prepared and will continue to be refined through the concept. Primarily centred around the emergence of individual dwelling plots and community facilities, the concept and future DA's consider amenity implications, acoustics, visual or privacy implication relating to the site. The Developable Area has been positioned away from adjoining boundaries and significantly buffered from surrounding residents in the local area.

Through detailed analysis of possible views towards the site from key viewing areas, it has been determined that the significance of any view interruption or impact would be minimal and not significant.

7.3.5 Servicing

For the most part, the RLSCs will operate self-sufficiently, reducing reliance on public services and localising natural resource-use. This enables residents to establish a productive working and living environment providing food, energy, essential services as well as the social and economic infrastructure that supports them. The Concept DA is supported by servicing studies that confirm independent services, such as rainwater tanks and onsite wastewater management systems, can be accommodated for each intended dwelling and community facility and would ensure a safe (human and environmental) and

reliable provision of potable water and sewage management. This is thanks to characteristics of the land including its location, climate of the area, soil type and separation from sensitive environments.

It is detailed through the DA and within the Statement of Commitments that there does remain further opening to explore opportunities for more centralised and cooperative systems for providing or managing water and wastewater throughout the site. This may include Nightcap seeking its own sewage treatment/water reclamation plant and would be a key consideration under Stage 2 of delivering this concept.

Wired telecommunication and electrical services are available in the area and proposed to major focal points, such as community centres, while also allowing for dwelling connections along the way as available. Augmentation to existing services can be undertaken should this be required once connection and demand is known. Trenches for any required cables would be installed at depths in accordance with Northern Rivers Standard Drawings R-10.

A large part of the existing network of rural roads has grown from the alignment of logging tracks. These roads have been identified for upgrade and intended to service the local share community, as they travel within the site and to wider points of interest. The standard of road proposed throughout the site has been designed to ensure safe and efficient traffic movements associated with all movements likely generated by the development, including emergency services.

External to the site, the potential impacts on the existing road network have determined to be minimal.

Detailed construction and environmental management plans associated with the installation of these services would be prepared at each development phase.

7.3.6 Waste management

7.3.6.1 Concept

The broad provisions of minimisation, reuse, and recycling are identified for the RLSCs, pioneering technologies and processes towards zero waste to landfill outcomes and minimised potential environmental impacts. Opportunity exists for establishing centralised resource recovery centres and systems at the site to remove reliance on landfill practices.

The Statement of Commitments details the waste management objectives and actions for Nightcap, outlining a range of strategies and environmental considerations for the purposes of lodging the Concept Development Application for the proposed 10x RLSCs. A Waste Management Plan for the whole site will, however, be developed and implemented through future Development Application Stages.

It provides a foundation of a site management plan, whilst allowing scope for further development, as new information and potential additional requirements from Council, the community or other agencies come to hand.

7.3.6.2 Stage 1 Works

A preliminary waste management plan for Stage 1 works has been included as part of the DA package. This land area currently comprises existing road base, tracks and vegetation and therefore construction waste will be minimal. Similar to the wider concept and intentions for the project, the broad principles of source separation, reuse, and recycling through appropriate collection and disposal are to be adopted as outlined under this preliminary plan. Post determination a more detailed and refined Site Waste

Minimisation and Management Plan will be prepared by the contractors engaged for Stage 1 works, and any future construction stages.

7.3.7 Social Impacts

The development proposal has considered and is supported by a SEIA which notes an overall benefit associated with the development from a social and economic perspective. The proposed development meets a demand for alternative and affordable housing within a desirable natural setting. Community facilities/ surveillance, crime prevention through environmental design principles, and overall site management can ensure the development meets the needs and expectations of the community as these establish.

While the immediate locale is supported by limited facilities, existing nearby and intended future onsite community infrastructure ensure this new cooperative living community is not isolated from necessary social services.

The emergence of the RU5 zoned Village will promote economies of scale, bolstering facilities and services for the area including health, community and emergency services. These are augmented by access to Uki village, located approximately 15kms east and comprising a primary school, retail and cafes, community services and a rural fire brigade station as well as the township of Murwillumbah, which is located a further 28km east, is the secondary primary service centre of the Tweed, and provides higher order commercial and health facilities, as well as regional sports and entertainment infrastructure. The site is also centrally positioned between the Regional Cities of Tweed and Lismore, affording opportunity to access city-level services and infrastructure, 2x airports and diversity of economic sectors easily.

7.3.8 Economic Impacts

The proposed development is supported by a detailed Economic Need Assessment prepared by Macro Plan. The economic assessment identifies a need for diverse and affordable housing for the area and Tweed Shire in general. The proposal offers a unique housing typology in a desirable natural setting, contributing to the availability of dwelling options for the region. The overarching outcome of the RLSCs will support and complement the establishment of the village, a key economic driver and opportunity to meet dwelling demand in the western extent of the Tweed Hinterland.

7.4 Suitability of the Site

RLSCs have been earmarked as an important, sustainable and cost-effective housing option throughout the northern New South Wales region and indeed throughout the State. This housing typology thrives in desirable and otherwise expensive locations, in particular when it is co-located and close to scenic, ecological, cultural and natural features and landscapes, such as national parks, mountain ranges, cultural landmarks, waterfalls, valleys and the like. The Nightcap site presents this exact combination of natural landscape, cultural and environmental features.

The proposal does not constitute 'unplanned' development as it is enabled through the State Environmental Planning Policy framework, which has been in place under various policy documents for several decades, likewise, the proposal is not reflective of 'urban development'. Accordingly, whilst the site is not within a mapped urban growth area, its development for RLSC does not undermine State or local actions to focus future urban development to mapped growth areas.

Significant opportunity is afforded through the site's proximity and connection to the future Nightcap rural village, which is zoned RU5 and identified throughout local and regional strategic plans to emerge as an important housing and employment node within Tweed's rural setting.

The site has the ability to provide relevant services, appropriate developable areas, slope sensitive design, suitable bushfire management, access and egress, protection of cultural heritage and ecological value. These matters (among other considerations) have all been addressed and remain supportive of the proposal, demonstrating the suitability of the site to accommodate the proposed development.

7.5 Submissions

The assessing authority will need to consider any submissions made for the proposed development by government agencies and the community.

7.6 Public Interest

The proposal has the potential to offer enormous public benefit in terms of increased housing opportunity, affordability, lifestyle diversity, employment and key economic support and drive for the region. The public benefits in terms of development and economic stimulus extend far beyond construction drivers to longer term employment and employee base, community population, innovative technological pursuits and enterprises, and local business support. The RLSCs naturally longer-term establishment will also provide the ongoing community need and growth to support the Nightcap Village development. This zoned Village is a key economic and strategically planned growth for the western extend of Tweed Shire which to date has not had the population, employment and economic need to push its establishment.

The surrounding residents' concerns will be noted through the public notification stage. The Applicant will also seek to offer public information packages, guided tours and community consultation to continue to guide development of the concept. The RLSC nature of the proposal is community centred, seeking to work with the community and remain responsive to the public's interest.

7.7 Additional Considerations

Below are further considerations believed to be of relevance to the proposed development.

7.7.1 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act), together with the *Biodiversity Conservation Regulation 2017*, outlines the framework for addressing impacts on biodiversity from development and clearing. It establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme. The provisions of the BC Act have been specifically addressed within the Biodiversity Development Assessment Report (BDAR) in **Appendix E**.

The BDAR identifies and maps (through extensive ground truthing investigations) high quality ecological areas, For the most part, these will be avoided when establishing the Developable Area, dwelling plots and the formalised internal road network.

The ecological restoration strategy proposes 2x main approaches, being 'natural regeneration' and 'assisted natural regeneration' with the mapped areas displaying ecological values that can be retained and enhanced. Where areas are degraded, though providing opportunity for key linkages; a 'reconstruction' approach will be implemented to regenerate, protect and expand the populations of native flora and fauna. The strategy also designates retained and rehabilitated ecological areas of more

than 635ha for protection and stewardship which will form a Biodiversity Stewardship Agreement to be implemented over a 20x year period and protected in perpetuity.

7.7.2 Urban Design Guide for Regional NSW

The Urban Design Guide for Regional NSW was adopted in 2020. The guidelines intend to improve the design of development in regional NSW through better placed development that is designed for the region it is proposed in. The guidelines reference the subtropical climate of the Far North Coast Region and the need for diverse housing types and addressing the prevailing qualities of place which give a location its distinct identity.

The proposed development is consistent with the guidelines as RLSCs intend to establish within the natural landscape and respond to site and climatic conditions. Beyond harnessing the site's favourable climatic conditions, the proposal promotes housing diversity in a highly sought-after area.

The design of individual dwellings will be subject to future consideration, though the Concept Plan is supported by draft Architectural Design Review Guidelines to ensure consistency in architectural styles and materials with the local environmental conditions and sustainability aspirations for Nightcap.

8 Conclusion

Planit Consulting Pty Ltd has prepared a Concept DA and Statement of Environmental Effects to establish Rural Land Sharing Communities (RLSCs) over 21 allotments, commonly referred to as 'Nightcap' and 'Bhula Bhula'. The allotments are located at 2924, 2956, 2984 and 3222 Kyogle Road, Kunghur and Mount Burrell.

The Concept DA has been configured in direct response to the site's constraints, opportunities, location and serviceability, and guided through consultation with key stakeholders including, but not limited to, the Rural Fire Service and Tweed Byron Local Aboriginal Land Council.

The proposal represents a carefully considered, master planned approach for the site to meet an increasing demand for alternative and diverse housing upon a site that is not identified as prime agricultural nor future urban land. The subject site provides a large area of land, uniquely surrounding an identified, zoned and emerging village centre, with strong linkages to the Tweed Heads and Lismore regional cities and within 15 minutes to Murwillumbah, being the Tweed's second primary service centre.

In terms of the built and natural environment, no adverse impacts are likely to result in relation to the proposed development. The development is dispersed throughout 1,584ha of rolling landscape, which is visually, acoustically and environmentally buffered from any adjoining lands. The concept proposal will result in the provision of high-quality, high amenity rural land sharing opportunities, that support housing choice and affordability. No adverse impacts on nearby development, the natural environment, scenic qualities, aboriginal heritage, traffic, parking, drainage or other external features or services are anticipated as a result of the development.

The proposal exhibits compliance with the *State Environmental Planning Policy (Primary Production and Rural Development) 2019*, *Tweed Local Environmental Plan 2014* as well as the majority of development and environmental control, design provisions and policy guidelines.

The proposed concept is considered to warrant Council and the Northern Regional Planning Panel support.

Should Council or the Panel require any additional information or wish to clarify any matter raised by this proposal or submission made to the same, we request Council or the Panel to consult with Planit Consulting prior to determination of this application.

If you have any question in relation to the information presented within this report, please contact Planit Consulting on (02) 6674 5001.